

114TH CONGRESS
1ST SESSION

S. 1626

To reauthorize Federal support for passenger rail programs, improve safety, streamline rail project delivery, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2015

Mr. WICKER (for himself and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To reauthorize Federal support for passenger rail programs, improve safety, streamline rail project delivery, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
4 **ERENCES.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Railroad Reform, Enhancement, and Efficiency Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents; references.

Sec. 2. Definition of Secretary.

Sec. 3. Passenger transportation; definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

- Sec. 101. Authorization of grants to Amtrak.
 Sec. 102. National infrastructure and safety investments.
 Sec. 103. Authorization of appropriations for National Transportation Safety Board rail investigations.
 Sec. 104. Authorization of appropriations for Amtrak Office of Inspector General.
 Sec. 105. National cooperative rail research program.

TITLE II—AMTRAK REFORM

- Sec. 201. Amtrak grant process.
 Sec. 202. 5-year business line and assets plans.
 Sec. 203. State-supported route committee.
 Sec. 204. Route and service planning decisions.
 Sec. 205. Competition.
 Sec. 206. Rolling stock purchases.
 Sec. 207. Food and beverage policy.
 Sec. 208. Local products and promotional events.
 Sec. 209. Right-of-way leveraging.
 Sec. 210. Station development.
 Sec. 211. Amtrak debt.
 Sec. 212. Amtrak pilot program for passengers transporting domesticated cats and dogs.
 Sec. 213. Amtrak board of directors.

TITLE III—INTERCITY PASSENGER RAIL POLICY

- Sec. 301. Competitive operating grants.
 Sec. 302. Federal-State partnership for state of good repair.
 Sec. 303. Large capital project requirements.
 Sec. 304. Small business participation study.
 Sec. 305. Gulf coast rail service working group.
 Sec. 306. Integrated passenger rail working group.
 Sec. 307. Shared-use study.
 Sec. 308. Northeast Corridor Commission.
 Sec. 309. Northeast Corridor through-ticketing and procurement efficiencies.
 Sec. 310. Data and analysis.
 Sec. 311. Disaster relief.
 Sec. 312. Performance-based proposals.
 Sec. 313. Amtrak Inspector General.
 Sec. 314. Miscellaneous provisions.

TITLE IV—RAIL SAFETY

Subtitle A—Safety Improvement

- Sec. 401. Highway-rail grade crossing safety.
 Sec. 402. Confidential close call reporting system.
 Sec. 403. Speed limit action plans.
 Sec. 404. Signage.
 Sec. 405. Alerters.
 Sec. 406. Signal protection.
 Sec. 407. Technology implementation plans.

- Sec. 408. Commuter rail track inspections.
- Sec. 409. Emergency response.
- Sec. 410. Private highway-rail grade crossings.
- Sec. 411. Repair and replacement of damaged track inspection equipment.
- Sec. 412. Rail police officers.
- Sec. 413. Technical and conforming amendments.

Subtitle B—Consolidated Rail Infrastructure and Safety Improvements

- Sec. 421. Consolidated rail infrastructure and safety improvements.

TITLE V—PROJECT DELIVERY

- Sec. 501. Short title.
- Sec. 502. Preservation of public lands.
- Sec. 503. Efficient environmental reviews.
- Sec. 504. Advance acquisition.
- Sec. 505. Railroad rights-of-way.
- Sec. 506. Improving State and Federal agency engagement in environmental reviews.
- Sec. 507. Savings clause.
- Sec. 508. Transition.

TITLE VI—FINANCING

- Sec. 601. Short title; references.
- Sec. 602. Definitions.
- Sec. 603. Eligible applicants.
- Sec. 604. Eligible purposes.
- Sec. 605. Program administration.
- Sec. 606. Loan terms and repayment.
- Sec. 607. Credit risk premiums.
- Sec. 608. Master credit agreements.
- Sec. 609. Priorities and conditions.
- Sec. 610. Savings provision.

1 (c) REFERENCES TO TITLE 49, UNITED STATES
 2 CODE.—Except as otherwise expressly provided, wherever
 3 in this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or repeal of, a section or other provi-
 5 sion, the reference shall be considered to be made to a
 6 section or other provision of title 49, United States Code.

7 **SEC. 2. DEFINITION OF SECRETARY.**

8 In this Act, except as otherwise expressly provided,
 9 the term “Secretary” means the Secretary of Transpor-
 10 tation.

1 **SEC. 3. PASSENGER TRANSPORTATION; DEFINITIONS.**

2 Section 24102 is amended—

3 (1) by redesignating paragraphs (5) through
4 (9) as paragraphs (6) through (10), respectively;

5 (2) by inserting after paragraph (4), the fol-
6 lowing:

7 “(5) ‘long-distance route’ means a route de-
8 scribed in paragraph (6)(C).”;

9 (3) by amending paragraph (6)(A), as redesign-
10 nated, to read as follows:

11 “(A) the Northeast Corridor main line be-
12 tween Boston, Massachusetts and the Virginia
13 Avenue interlocking in the District of Columbia,
14 and the facilities and services used to operate
15 and maintain that line;”;

16 (4) in paragraph (7), as redesignated, by strik-
17 ing the period at the end and inserting “, except
18 that the term ‘Northeast Corridor’ for the purposes
19 of chapter 243 means the main line between Boston,
20 Massachusetts and the Virginia Avenue interlocking
21 in the District of Columbia, and the facilities and
22 services used to operate and maintain that line.”;
23 and

24 (5) by adding at the end the following:

1 “(11) ‘state-of-good-repair’ means a condition
2 in which physical assets, both individually and as a
3 system, are—

4 “(A) performing at a level at least equal to
5 that called for in their as-built or as-modified
6 design specification during any period when the
7 life cycle cost of maintaining the assets is lower
8 than the cost of replacing them; and

9 “(B) sustained through regular mainte-
10 nance and replacement programs.

11 “(12) ‘State-supported route’ means a route de-
12 scribed in paragraph (6)(B) or paragraph (6)(D), or
13 in section 24702(a).”.

14 **TITLE I—AUTHORIZATION OF** 15 **APPROPRIATIONS**

16 **SEC. 101. AUTHORIZATION OF GRANTS TO AMTRAK.**

17 (a) IN GENERAL.—There are authorized to be appro-
18 priated to the Secretary for the use of Amtrak for deposit
19 into the accounts established under section 24319(a) of
20 title 49, United States Code, the following amounts:

21 (1) For fiscal year 2016, \$1,450,000,000.

22 (2) For fiscal year 2017, \$1,550,000,000.

23 (3) For fiscal year 2018, \$1,700,000,000.

24 (4) For fiscal year 2019, \$1,900,000,000.

1 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
2 retary may withhold up to one half of 1 percent of the
3 amount appropriated under subsection (a) for the costs
4 of management oversight of Amtrak.

5 (c) COMPETITION.—In administering grants to Am-
6 trak under section 24318 of title 49, United States Code,
7 the Secretary may withhold, from amounts that would oth-
8 erwise be made available to Amtrak, such sums as are nec-
9 essary from the amount appropriated under subsection (a)
10 of this section to cover the operating subsidy described in
11 section 24711(b)(1)(E)(ii) of title 49, United States Code.

12 (d) STATE-SUPPORTED ROUTE COMMITTEE.—The
13 Secretary may withhold up to \$2,000,000 from the
14 amount appropriated in each fiscal year under subsection
15 (a) of this section for the use of the State-Supported
16 Route Committee established under section 24712 of title
17 49, United States Code.

18 (e) NORTHEAST CORRIDOR COMMISSION.—The Sec-
19 retary may withhold up to \$5,000,000 from the amount
20 appropriated in each fiscal year under subsection (a) of
21 this section for the use of the Northeast Corridor Commis-
22 sion established under section 24905 of title 49, United
23 States Code.

1 **SEC. 102. NATIONAL INFRASTRUCTURE AND SAFETY IN-**
2 **VESTMENTS.**

3 (a) IN GENERAL.—There are authorized to be appro-
4 priated to the Secretary for grants under chapter 244 of
5 title 49, United States Code, the following amounts:

6 (1) For fiscal year 2016, \$350,000,000.

7 (2) For fiscal year 2017, \$430,000,000.

8 (3) For fiscal year 2018, \$600,000,000.

9 (4) For fiscal year 2019, \$900,000,000.

10 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
11 retary may withhold up to 1 percent from the amount ap-
12 propriated under subsection (a) of this section for the
13 costs of project management oversight of grants carried
14 out under chapter 244 of title 49, United States Code.

15 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
16 **TIONAL TRANSPORTATION SAFETY BOARD**
17 **RAIL INVESTIGATIONS.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law, there are authorized to be appropriated to the
20 National Transportation Safety Board to carry out rail-
21 road accident investigations under section 1131(a)(1)(C)
22 of title 49, United States Code, the following amounts:

23 (1) For fiscal year 2016, \$6,300,000.

24 (2) For fiscal year 2017, \$6,400,000.

25 (3) For fiscal year 2018, \$6,500,000.

26 (4) For fiscal year 2019, \$6,600,000.

1 (b) INVESTIGATION PERSONNEL.—Amounts appro-
 2 priated under subsection (a) of this section shall be avail-
 3 able to the National Transportation Safety Board for per-
 4 sonnel, in regional offices and in Washington, DC, whose
 5 duties involve railroad accident investigations.

6 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR AM-**
 7 **TRAK OFFICE OF INSPECTOR GENERAL.**

8 There are authorized to be appropriated to the Office
 9 of Inspector General of Amtrak the following amounts:

- 10 (1) For fiscal year 2016, \$20,000,000.
 11 (2) For fiscal year 2017, \$20,500,000.
 12 (3) For fiscal year 2018, \$21,000,000.
 13 (4) For fiscal year 2019, \$21,500,000.

14 **SEC. 105. NATIONAL COOPERATIVE RAIL RESEARCH PRO-**
 15 **GRAM.**

16 (a) IN GENERAL.—Section 24910 is amended—

17 (1) in subsection (b)—

18 (A) in paragraph (12), by striking “and”;

19 (B) in paragraph (13), by striking the pe-
 20 riod at the end and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(14) to improve the overall safety of intercity
 23 passenger and freight rail operations.”; and

24 (2) by amending subsection (e) to read as fol-
 25 lows:

1 “(e) ALLOCATION.—At least \$5,000,000 of the
2 amounts appropriated to the Secretary for a fiscal year
3 to carry out railroad research and development programs
4 shall be available to carry out this section.”.

5 **TITLE II—AMTRAK REFORM**

6 **SEC. 201. AMTRAK GRANT PROCESS.**

7 (a) REQUIREMENTS AND PROCEDURES.—Chapter
8 243 is amended by adding at the end the following:

9 **“§ 24317. Costs and revenues**

10 “(a) ALLOCATION.—Not later than 180 days after
11 the date of enactment of the Railroad Reform, Enhance-
12 ment, and Efficiency Act, Amtrak shall establish and
13 maintain internal controls to ensure Amtrak’s costs, reve-
14 nues, and other compensation are appropriately and pro-
15 portionally allocated to its Northeast Corridor train serv-
16 ices or infrastructure, its State-supported routes, its long-
17 distance routes, and its other national network activities.

18 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed to limit the ability of Amtrak to
20 enter into an agreement with 1 or more States to allocate
21 operating and capital costs under section 209 of the Pas-
22 senger Rail Investment and Improvement Act of 2008 (49
23 U.S.C. 24101 note).

1 **“§ 24318. Grant process**

2 “(a) PROCEDURES FOR GRANT REQUESTS.—Not
3 later than 90 days after the date of enactment of the Rail-
4 road Reform, Enhancement, and Efficiency Act, the Sec-
5 retary of Transportation shall establish and transmit to
6 the Committee on Commerce, Science, and Transportation
7 and the Committee on Appropriations of the Senate and
8 the Committee on Transportation and Infrastructure and
9 the Committee on Appropriations of the House of Rep-
10 resentatives substantive and procedural requirements, in-
11 cluding schedules, for grant requests under this section.

12 “(b) GRANT REQUESTS.—Amtrak shall transmit
13 grant requests for Federal funds appropriated to the Sec-
14 retary of Transportation for the use of Amtrak to—

15 “(1) the Secretary; and

16 “(2) the Committee on Commerce, Science, and
17 Transportation, the Committee on Appropriations,
18 and the Committee on the Budget of the Senate and
19 the Committee on Transportation and Infrastruc-
20 ture, the Committee on Appropriations, and the
21 Committee on the Budget of the House of Rep-
22 resentatives.

23 “(c) CONTENTS.—A grant request under subsection
24 (b) shall—

25 “(1) describe projected operating and capital
26 costs for the upcoming fiscal year for Northeast Cor-

1 ridor train services and infrastructure, Amtrak’s
2 State-supported routes, and Amtrak’s long-distance
3 routes, and Amtrak’s other national network activi-
4 ties, as applicable, in comparison to prior fiscal year
5 actual financial performance;

6 “(2) describe the capital projects to be funded,
7 with cost estimates and an estimated timetable for
8 completion of the projects covered by the request;

9 “(3) assess Amtrak’s financial condition;

10 “(4) be displayed on Amtrak’s Web site within
11 a reasonable timeframe following its transmission
12 under subsection (b); and

13 “(5) describe how the funding requested in a
14 grant will be allocated to the accounts established
15 under section 24319(a), considering the projected
16 operating losses or capital costs for services and ac-
17 tivities associated with such accounts over the time
18 period intended to be covered by the grants.

19 “(d) REVIEW AND APPROVAL.—

20 “(1) THIRTY-DAY APPROVAL PROCESS.—

21 “(A) IN GENERAL.—Not later than 30
22 days after the date that Amtrak submits a
23 grant request under this section, the Secretary
24 of Transportation shall complete a review of the
25 request and provide notice to Amtrak that—

1 “(i) the request is approved; or

2 “(ii) the request is disapproved, in-
3 cluding the reason for the disapproval and
4 an explanation of any incomplete or defi-
5 cient items.

6 “(B) GRANT AGREEMENT.—If a grant re-
7 quest is approved, the Secretary shall enter into
8 a grant agreement with Amtrak that allocates
9 the grant funding to 1 of the 4 accounts estab-
10 lished under section 24319(a).

11 “(2) FIFTEEN-DAY MODIFICATION PERIOD.—
12 Not later than 15 days after the date of the notice
13 under paragraph (1)(A)(ii), Amtrak shall submit a
14 modified request for the Secretary’s review.

15 “(3) MODIFIED REQUESTS.—Not later than 15
16 days after the date that Amtrak submits a modified
17 request under paragraph (2), the Secretary shall ei-
18 ther approve the modified request, or, if the Sec-
19 retary finds that the request is still incomplete or
20 deficient, the Secretary shall identify in writing to
21 the Committee on Commerce, Science, and Trans-
22 portation, the Committee on Appropriations, and the
23 Committee on the Budget of the Senate and the
24 Committee on Transportation and Infrastructure,
25 the Committee on Appropriations, and the Com-

1 mittee on the Budget of the House of Representa-
2 tives the remaining deficiencies and recommend a
3 process for resolving the outstanding portions of the
4 request.

5 “(e) PAYMENTS TO AMTRAK.—

6 “(1) IN GENERAL.—A grant agreement entered
7 into under subsection (d) shall specify the oper-
8 ations, services, and other activities to be funded by
9 the grant. The grant agreement shall include provi-
10 sions, consistent with the requirements of this chap-
11 ter, to measure Amtrak’s performance and ensure
12 accountability in delivering the operations, services,
13 or activities to be funded by the grant.

14 “(2) SCHEDULE.—Except as provided in para-
15 graph (3), in each fiscal year for which amounts are
16 appropriated to the Secretary for the use of Amtrak,
17 and for which the Secretary and Amtrak have en-
18 tered into a grant agreement under subsection (d),
19 the Secretary shall disburse grant funds to Amtrak
20 on the following schedule:

21 “(A) 50 percent on October 1.

22 “(B) 25 percent on January 1.

23 “(C) 25 percent on April 1.

24 “(3) EXCEPTIONS.—The Secretary may make a
25 payment to Amtrak of appropriated funds—

1 “(A) more frequently than the schedule
2 under paragraph (2) if Amtrak, for good cause,
3 requests more frequent payment before the end
4 of a payment period; or

5 “(B) with a different frequency or in dif-
6 ferent percentage allocations in the event of a
7 continuing resolution or in the absence of an
8 appropriations Act for the duration of a fiscal
9 year.

10 “(f) AVAILABILITY OF AMOUNTS AND EARLY APPRO-
11 PRIATIONS.—Amounts appropriated to the Secretary for
12 the use of Amtrak shall remain available until expended.
13 Amounts for capital acquisitions and improvements may
14 be appropriated for a fiscal year before the fiscal year in
15 which the amounts will be obligated.

16 “(g) LIMITATIONS ON USE.—Amounts appropriated
17 to the Secretary for the use of Amtrak may not be used
18 to cross-subsidize operating losses or capital costs of com-
19 muter rail passenger or freight rail transportation.

20 “§ 24319. **Accounts**

21 “(a) ESTABLISHMENT OF ACCOUNTS.—Beginning
22 not later than October 1, 2016, Amtrak, in consultation
23 with the Secretary of Transportation, shall define and es-
24 tablish—

1 “(1) a Northeast Corridor investment account,
2 including subaccounts for Amtrak train services and
3 infrastructure;

4 “(2) a State-supported account;

5 “(3) a long-distance account; and

6 “(4) an other national network activities ac-
7 count.

8 “(b) NORTHEAST CORRIDOR INVESTMENT AC-
9 COUNT.—

10 “(1) DEPOSITS.—Amtrak shall deposit in the
11 Northeast Corridor investment account established
12 under subsection (a)(1)—

13 “(A) a portion of the grant funds appro-
14 priated under the authorization in section
15 101(a) of the Railroad Reform, Enhancement,
16 and Efficiency Act, or any subsequent Act ap-
17 propriating funds for the use of Amtrak, as
18 specified in a grant agreement entered into
19 under section 24318;

20 “(B) any compensation received from com-
21 muter rail passenger transportation providers
22 for such providers’ share of capital costs on the
23 Northeast Corridor provided to Amtrak under
24 section 24905(c);

1 “(C) any operating surplus of the North-
2 east Corridor train services or infrastructure, as
3 allocated under section 24317; and

4 “(D) any other net revenue received in as-
5 sociation with the Northeast Corridor, including
6 freight access fees, electric propulsion, and com-
7 mercial development.

8 “(2) USE OF NORTHEAST CORRIDOR INVEST-
9 MENT ACCOUNT.—Except as provided in subsection
10 (f), amounts deposited in the Northeast Corridor in-
11 vestment account shall be made available for the use
12 of Amtrak for its share of—

13 “(A) capital projects described in section
14 24904(a)(2)(E)(i), and developed under the
15 planning process established under that section,
16 to bring Northeast Corridor infrastructure to a
17 state-of-good-repair;

18 “(B) capital projects described in clauses
19 (ii) and (iv) of section 24904(a)(2)(E) that are
20 developed under the planning process estab-
21 lished under that section intended to increase
22 corridor capacity, improve service reliability,
23 and reduce travel time on the Northeast Cor-
24 ridor;

1 “(C) capital projects to improve safety and
2 security;

3 “(D) capital projects to improve customer
4 service and amenities;

5 “(E) acquiring, rehabilitating, manufac-
6 turing, remanufacturing, overhauling, or im-
7 proving equipment and associated facilities used
8 for intercity rail passenger transportation by
9 Northeast Corridor train services;

10 “(F) retirement of principal and payment
11 of interest on loans for capital projects de-
12 scribed in this paragraph or for capital leases
13 for equipment and related to the Northeast
14 Corridor;

15 “(G) participation in public-private part-
16 nerships, joint ventures, and other mechanisms
17 or arrangements that result in the completion
18 of capital projects described in this paragraph;
19 and

20 “(H) indirect, common, corporate, or other
21 costs directly incurred by or allocated to the
22 Northeast Corridor.

23 “(c) STATE-SUPPORTED ACCOUNT.—

1 “(1) DEPOSITS.—Amtrak shall deposit in the
2 State-supported account established under sub-
3 section (a)(2)—

4 “(A) a portion of the grant funds appro-
5 priated under the authorization in section
6 101(a) of the Railroad Reform, Enhancement,
7 and Efficiency Act, or any subsequent Act ap-
8 propriating funds for the use of Amtrak, as
9 specified in a grant agreement entered into
10 under section 24318;

11 “(B) any compensation received from
12 States provided to Amtrak under section 209 of
13 the Passenger Rail Investment and Improve-
14 ment Act of 2008 (42 U.S.C. 24101 note); and

15 “(C) any operating surplus from its State-
16 supported routes, as allocated under section
17 24317.

18 “(2) USE OF STATE-SUPPORTED ACCOUNT.—
19 Except as provided in subsection (f), amounts depos-
20 ited in the State-supported account shall be made
21 available for the use of Amtrak for capital expenses
22 and operating costs, including indirect, common, cor-
23 porate, or other costs directly incurred by or allo-
24 cated to State-supported routes, of its State-sup-
25 ported routes and retirement of principal and pay-

1 ment of interest on loans or capital leases attrib-
2 utable to its State-supported routes.

3 “(d) LONG-DISTANCE ACCOUNT.—

4 “(1) DEPOSITS.—Amtrak shall deposit in the
5 long-distance account established under subsection
6 (a)(3)—

7 “(A) a portion of the grant funds appro-
8 priated under the authorization in section
9 101(a) of the Railroad Reform, Enhancement,
10 and Efficiency Act, or any subsequent Act ap-
11 propriating funds for the use of Amtrak, as
12 specified in a grant agreement entered into
13 under section 24318;

14 “(B) any compensation received from
15 States provided to Amtrak for costs associated
16 with its long-distance routes; and

17 “(C) any operating surplus from its long-
18 distance routes, as allocated under section
19 24317.

20 “(2) USE OF LONG-DISTANCE ACCOUNT.—Ex-
21 cept as provided in subsection (f), amounts deposited
22 in the long-distance account shall be made available
23 for the use of Amtrak for capital expenses and oper-
24 ating costs, including indirect, common, corporate,
25 or other costs directly incurred by or allocated to

1 long-distance routes, of its long-distance routes and
2 retirement of principal and payment of interest on
3 loans or capital leases attributable to the long-dis-
4 tance routes.

5 “(e) OTHER NATIONAL NETWORK ACTIVITIES AC-
6 COUNT.—

7 “(1) DEPOSITS.—Amtrak shall deposit in the
8 other national network activities account established
9 under subsection (a)(4)—

10 “(A) a portion of the grant funds appro-
11 priated under the authorization in section
12 101(a) of the Railroad Reform, Enhancement,
13 and Efficiency Act, or any subsequent Act ap-
14 propriating funds for the use of Amtrak, as
15 specified in a grant agreement entered into
16 under section 24318;

17 “(B) any compensation received from
18 States provided to Amtrak for costs associated
19 with its other national network activities; and

20 “(C) any operating surplus from its other
21 national network activities.

22 “(2) USE OF OTHER NATIONAL NETWORK AC-
23 TIVITIES ACCOUNT.—Except as provided in sub-
24 section (f), amounts deposited into the other na-
25 tional network activities account shall be made avail-

1 able for the use of Amtrak for capital and operating
2 costs not allocated to the Northeast Corridor invest-
3 ment account, State-supported account, or long-dis-
4 tance account, and retirement of principal and pay-
5 ment of interest on loans or capital leases attrib-
6 utable to other national network activities.

7 “(f) TRANSFER AUTHORITY.—

8 “(1) AUTHORITY.—Amtrak may transfer any
9 funds appropriated under the authorization in sec-
10 tion 101(a) of the Railroad Reform, Enhancement,
11 and Efficiency Act, or any subsequent Act appro-
12 priating funds for the use of Amtrak for deposit into
13 the accounts described in that section, or any sur-
14 plus generated by operations, between the Northeast
15 Corridor, State-supported, long-distance, and other
16 national network activities accounts—

17 “(A) upon the expiration of 10 days after
18 the date that Amtrak notifies the Amtrak
19 Board of Directors, including the Secretary, of
20 the planned transfer; and

21 “(B) with the approval of the Secretary.

22 “(2) REPORT.—Not later than 5 days after the
23 date that Amtrak notifies the Amtrak Board of Di-
24 rectors of a planned transfer under paragraph (1),
25 Amtrak shall transmit to the Committee on Com-

1 merce, Science, and Transportation and the Com-
2 mittee on Appropriations of the Senate and the
3 Committee on Transportation and Infrastructure
4 and the Committee on Appropriations of the House
5 of Representatives a report that includes—

6 “(A) the amount of the transfer; and

7 “(B) a detailed explanation of the reason
8 for the transfer, including—

9 “(i) the effects on Amtrak services
10 funded by the account from which the
11 transfer is drawn, in comparison to a sce-
12 nario in which no transfer was made; and

13 “(ii) the effects on Amtrak services
14 funded by the account receiving the trans-
15 fer, in comparison to a scenario in which
16 no transfer was made.

17 “(3) NOTIFICATIONS.—

18 “(A) STATE-SUPPORTED ACCOUNT.—Not
19 later than 5 days after the date that Amtrak
20 notifies the Amtrak Board of Directors of a
21 planned transfer under paragraph (1) of funds
22 to or from the State-supported account, Amtrak
23 shall transmit to each State that sponsors a
24 State-supported route a letter that includes the

1 information described under subparagraphs (A)
2 and (B) of paragraph (2).

3 “(B) NORTHEAST CORRIDOR ACCOUNT.—

4 Not later than 5 days after the date that Am-
5 trak notifies the Amtrak Board of Directors of
6 a planned transfer under paragraph (1) of
7 funds to or from the Northeast Corridor ac-
8 count, Amtrak shall transmit to the Northeast
9 Corridor Commission a letter that includes the
10 information described under subparagraphs (A)
11 and (B) of paragraph (2).

12 “(g) ENFORCEMENT.—The Secretary shall enforce
13 the provisions of each grant agreement under section
14 24318(d), including any deposit into an account under
15 this section.

16 “(h) LETTERS OF INTENT.—

17 “(1) REQUIREMENT.—The Secretary may issue
18 a letter of intent to Amtrak announcing an intention
19 to obligate, for a major capital project described in
20 clauses (ii) and (iv) of section 24904(a)(2)(E), an
21 amount from future available budget authority speci-
22 fied in law that is not more than the amount stipu-
23 lated as the financial participation of the Secretary
24 in the project.

1 “(2) NOTICE TO CONGRESS.—At least 30 days
2 before issuing a letter under paragraph (1), the Sec-
3 retary shall notify in writing the Committee on Com-
4 merce, Science, and Transportation and the Com-
5 mittee on Appropriations of the Senate and the
6 Committee on Transportation and Infrastructure
7 and the Committee on Appropriations of the House
8 of Representatives of the proposed letter. The Sec-
9 retary shall include with the notice a copy of the
10 proposed letter, the criteria used for selecting the
11 project for a grant award, and a description of how
12 the project meets the criteria under this section.

13 “(3) CONTINGENT NATURE OF OBLIGATION OR
14 COMMITMENT.—An obligation or administrative
15 commitment may be made only when amounts are
16 appropriated. The letter of intent shall state that the
17 contingent commitment is not an obligation of the
18 Federal Government, and is subject to the avail-
19 ability of appropriations under Federal law and to
20 Federal laws in force or enacted after the date of
21 the contingent commitment.”.

22 (b) CONFORMING AMENDMENTS.—The table of con-
23 tents for chapter 243 is amended by adding at the end
24 the following:

“24317. Costs and revenues.

“24318. Grant process.

“24319. Accounts.”.

1 (c) REPEALS.—

2 (1) ESTABLISHMENT OF GRANT PROCESS.—
3 Section 206 of the Passenger Rail Investment and
4 Improvement Act of 2008 (49 U.S.C. 24101 note)
5 and the item relating to that section in the table of
6 contents of that Act are repealed.

7 (2) AUTHORIZATION OF APPROPRIATIONS.—
8 Section 24104 and the item relating to that section
9 in the table of contents of chapter 241 are repealed.

10 **SEC. 202. 5-YEAR BUSINESS LINE AND ASSETS PLANS.**

11 (a) AMTRAK 5-YEAR BUSINESS LINE AND ASSET
12 PLANS.—Chapter 243, as amended by section 201 of this
13 Act, is further amended by inserting after section 24319
14 the following:

15 **“§ 24320. Amtrak 5-year business line and asset plans**

16 **“(a) IN GENERAL.—**

17 **“(1) FINAL PLANS.—**Not later than February
18 15 of each year, Amtrak shall submit to Congress
19 and the Secretary final 5-year business line plans
20 and 5-year asset plans prepared in accordance with
21 this section. These final plans shall form the basis
22 for Amtrak’s general and legislative annual report to
23 the President and Congress required by section
24 24315(b).

1 “(2) FISCAL CONSTRAINT.—Each plan prepared
2 under this section shall be based on funding levels
3 authorized or otherwise available to Amtrak in a fis-
4 cal year. In the absence of an authorization or ap-
5 propriation of funds for a fiscal year, the plans shall
6 be based on the amount of funding available in the
7 previous fiscal year, plus inflation. Amtrak may in-
8 clude an appendix to the asset plan required in sub-
9 section (c) that describes any capital funding re-
10 quirements in excess of amounts authorized or oth-
11 erwise available to Amtrak in a fiscal year for cap-
12 ital investment.

13 “(b) AMTRAK 5-YEAR BUSINESS LINE PLANS.—

14 “(1) AMTRAK BUSINESS LINES.—Amtrak shall
15 prepare a 5-year business line plan for each of the
16 following business lines and services:

17 “(A) Northeast Corridor train services.

18 “(B) State-supported routes operated by
19 Amtrak.

20 “(C) Long-distance routes operated by
21 Amtrak.

22 “(D) Ancillary services operated by Am-
23 trak, including commuter operations and other
24 revenue generating activities as determined by
25 the Secretary in consultation with Amtrak.

1 “(2) CONTENTS OF 5-YEAR BUSINESS LINE
2 PLANS.—The 5-year business line plan for each busi-
3 ness line shall include, at a minimum—

4 “(A) a statement of Amtrak’s vision, goals,
5 and service plan for the business line, coordi-
6 nated with any entities that are contributing
7 capital or operating funding to support pas-
8 senger rail services within those business lines,
9 and aligned with Amtrak’s Strategic Plan and
10 5-year asset plans under subsection (c);

11 “(B) all projected revenues and expendi-
12 tures for the business line, including identifica-
13 tion of revenues and expenditures incurred by—

14 “(i) passenger operations;

15 “(ii) non-passenger operations that
16 are directly related to the business line;
17 and

18 “(iii) governmental funding sources,
19 including revenues and other funding re-
20 ceived from States;

21 “(C) projected ridership levels for all pas-
22 senger operations;

23 “(D) estimates of long-term and short-
24 term debt and associated principal and interest
25 payments (both current and forecasts);

1 “(E) annual profit and loss statements and
2 forecasts and balance sheets;

3 “(F) annual cash flow forecasts;

4 “(G) a statement describing the meth-
5 odologies and significant assumptions under-
6 lying estimates and forecasts;

7 “(H) specific performance measures that
8 demonstrate year over year changes in the re-
9 sults of Amtrak’s operations;

10 “(I) financial performance for each route
11 within each business line, including descriptions
12 of the cash operating loss or contribution and
13 labor productivity for each route;

14 “(J) specific costs and savings estimates
15 resulting from reform initiatives;

16 “(K) prior fiscal year and projected equip-
17 ment reliability statistics; and

18 “(L) an identification and explanation of
19 any major adjustments made from previously-
20 approved plans.

21 “(3) 5-YEAR BUSINESS LINE PLANS PROCESS.—

22 In meeting the requirements of this section, Amtrak
23 shall—

24 “(A) coordinate the development of the
25 business line plans with the Secretary;

1 “(B) for the Northeast Corridor business
2 line plan, coordinate with the Northeast Cor-
3 ridor Commission and transmit to the Commis-
4 sion the final plan under subsection (a)(1), and
5 consult with other entities, as appropriate;

6 “(C) for the State-supported route busi-
7 ness line plan, coordinate with the State-Sup-
8 ported Route Committee established under sec-
9 tion 24712;

10 “(D) for the long-distance route business
11 line plan, coordinate with any States or Inter-
12 state Compacts that provide funding for such
13 routes, as appropriate;

14 “(E) ensure that Amtrak’s annual budget
15 request to Congress is consistent with the infor-
16 mation in the 5-year business line plans; and

17 “(F) identify the appropriate Amtrak offi-
18 cials that are responsible for each business line.

19 “(4) STANDARDS TO PROMOTE FINANCIAL STA-
20 BILITY.—In meeting the requirements under this
21 subsection, Amtrak shall use the categories specified
22 in the financial accounting and reporting system de-
23 veloped under section 203 of the Passenger Rail In-
24 vestment and Improvement Act of 2008 (49 U.S.C.

1 24101 note) when preparing its 5-year business line
2 plans.

3 “(c) AMTRAK 5-YEAR ASSET PLANS.—

4 “(1) ASSET CATEGORIES.—Amtrak shall pre-
5 pare a 5-year asset plan for each of the following
6 asset categories:

7 “(A) Infrastructure, including all Amtrak-
8 controlled Northeast Corridor assets and other
9 Amtrak-owned infrastructure, and the associ-
10 ated facilities that support the operation, main-
11 tenance, and improvement of those assets.

12 “(B) Passenger rail equipment, including
13 all Amtrak-controlled rolling stock, locomotives,
14 and mechanical shop facilities that are used to
15 overhaul equipment.

16 “(C) Stations, including all Amtrak-con-
17 trolled passenger rail stations and elements of
18 other stations for which Amtrak has legal re-
19 sponsibility or intends to make capital invest-
20 ments.

21 “(D) National assets, including national
22 reservations, security, training and training
23 centers, and other assets associated with Am-
24 trak’s national passenger rail transportation
25 system.

1 “(2) CONTENTS OF 5-YEAR ASSET PLANS.—

2 Each asset plan shall include, at a minimum—

3 “(A) a summary of Amtrak’s 5-year stra-
4 tegic plan for each asset category, including
5 goals, objectives, any relevant performance
6 metrics, and statutory or regulatory actions af-
7 fecting the assets;

8 “(B) an inventory of existing Amtrak cap-
9 ital assets, to the extent practicable, including
10 information regarding shared use or ownership,
11 if applicable;

12 “(C) a prioritized list of proposed capital
13 investments that—

14 “(i) categorizes each capital project as
15 being primarily associated with—

16 “(I) normalized capital replace-
17 ment;

18 “(II) backlog capital replace-
19 ment;

20 “(III) improvements to support
21 service enhancements or growth;

22 “(IV) strategic initiatives that
23 will improve overall operational per-
24 formance, lower costs, or otherwise

1 improve Amtrak’s corporate efficiency;

2 or

3 “(V) statutory, regulatory, or
4 other legal mandates;

5 “(ii) identifies each project or pro-
6 gram that is associated with more than 1
7 category described in clause (i); and

8 “(iii) describes the anticipated busi-
9 ness outcome of each project or program
10 identified under this subparagraph, includ-
11 ing an assessment of—

12 “(I) the potential effect on pas-
13 senger operations, safety, reliability,
14 and resilience;

15 “(II) the potential effect on Am-
16 trak’s ability to meet regulatory re-
17 quirements if the project or program
18 is not funded; and

19 “(III) the benefits and costs; and

20 “(D) annual profit and loss statements
21 and forecasts and balance sheets for each asset
22 category.

23 “(3) 5-YEAR ASSET PLAN PROCESS.—In meet-
24 ing the requirements of this subsection, Amtrak
25 shall—

1 “(A) coordinate with each business line de-
2 scribed in subsection (b)(1) in the preparation
3 of each 5-year asset plan and ensure integration
4 of each 5-year asset plan with the 5-year busi-
5 ness line plans;

6 “(B) as applicable, coordinate with the
7 Northeast Corridor Commission, the State-Sup-
8 ported Route Committee, and owners of assets
9 affected by 5-year asset plans; and

10 “(C) identify the appropriate Amtrak offi-
11 cials that are responsible for each asset cat-
12 egory.

13 “(4) EVALUATION OF NATIONAL ASSETS
14 COSTS.—The Secretary shall—

15 “(A) evaluate the costs and scope of all na-
16 tional assets; and

17 “(B) determine the activities and costs
18 that are—

19 “(i) required in order to ensure the ef-
20 ficient operations of a national passenger
21 rail system;

22 “(ii) appropriate for allocation to 1 of
23 the other Amtrak business lines; and

24 “(iii) extraneous to providing an effi-
25 cient national passenger rail system or are

1 too costly relative to the benefits or per-
2 formance outcomes they provide.

3 “(5) DEFINITION OF NATIONAL ASSETS.—In
4 this section, the term ‘national assets’ means the
5 Nation’s core rail assets shared among Amtrak serv-
6 ices, including national reservations, security, train-
7 ing and training centers, and other assets associated
8 with Amtrak’s national passenger rail transportation
9 system.

10 “(6) RESTRUCTURING OF NATIONAL ASSETS.—
11 Not later than 1 year after the date of completion
12 of the evaluation under section 24320(c)(4), the Ad-
13 ministrator of the Federal Railroad Administration,
14 in consultation with the Amtrak Board of Directors,
15 the governors of each relevant State, and the Mayor
16 of the District of Columbia, or their designees, shall
17 restructure or reallocate, or both, the national assets
18 costs in accordance with the determination under
19 that section, including making appropriate updates
20 to Amtrak’s cost accounting methodology and sys-
21 tem.”.

22 (b) EFFECTIVE DATE.—The requirements for Am-
23 trak to submit final 5-year business line plans and 5-year
24 asset plans under section 24320 of title 49, United States

1 Code, shall take effect 1 year after the date of enactment
2 of this Act.

3 (c) CONFORMING AMENDMENTS.—The table of con-
4 tents for chapter 243, as amended by section 201 of this
5 Act, is further amended by adding at the end the fol-
6 lowing:

“24320. Amtrak 5-year business line and asset plans.”.

7 (d) REPEAL OF 5-YEAR FINANCIAL PLAN.—Section
8 204 of the Passenger Rail Investment and Improvement
9 Act of 2008 (49 U.S.C. 24101 note), and the item relating
10 to that section in the table of contents of that Act, are
11 repealed.

12 (e) IDENTIFICATION OF DUPLICATIVE REPORTING
13 REQUIREMENTS.—Not later than 1 year after the date of
14 enactment of this Act, the Secretary shall—

15 (1) review existing Amtrak reporting require-
16 ments and identify where the existing requirements
17 are duplicative with the business line and capital
18 plans required by section 24320 of title 49, United
19 States Code;

20 (2) if the duplicative reporting requirements are
21 administrative, the Secretary shall eliminate the du-
22 plicative requirements; and

23 (3) submit to Congress a report with any rec-
24 ommendations for repealing any other duplicative
25 Amtrak reporting requirements.

1 **SEC. 203. STATE-SUPPORTED ROUTE COMMITTEE.**

2 (a) AMENDMENT.—Chapter 247 is amended by add-
3 ing at the end the following:

4 **“§ 24712. State-supported routes operated by Amtrak**

5 “(a) STATE-SUPPORTED ROUTE COMMITTEE.—

6 “(1) ESTABLISHMENT.—Not later than 180
7 days after the date of enactment of the Railroad Re-
8 form, Enhancement, and Efficiency Act, the Sec-
9 retary of Transportation shall establish the State-
10 Supported Route Committee (referred to in this sec-
11 tion as the ‘Committee’) to promote mutual coopera-
12 tion and planning pertaining to the rail operations
13 of Amtrak and related activities of trains operated
14 by Amtrak on State-supported routes and to further
15 implement section 209 of the Passenger Rail Invest-
16 ment and Improvement Act of 2008 (49 U.S.C.
17 24101 note).

18 “(2) MEMBERSHIP.—

19 “(A) IN GENERAL.—The Committee shall
20 consist of—

21 “(i) members representing Amtrak;

22 “(ii) members representing the De-
23 partment of Transportation, including the
24 Federal Railroad Administration; and

25 “(iii) members representing States,
26 including other public entities that sponsor

1 the operation of trains by Amtrak on a
2 State-supported route, designated by, and
3 serving at the pleasure of, the chief execu-
4 tive officer thereof.

5 “(B) NON-VOTING MEMBERS.—The Com-
6 mittee may invite and accept other non-voting
7 members to participate in Committee activities,
8 as appropriate.

9 “(3) DECISIONMAKING.—The Committee shall
10 establish a bloc voting system under which, at a
11 minimum—

12 “(A) there are 3 separate voting blocs to
13 represent the Committee’s voting members, in-
14 cluding—

15 “(i) 1 voting bloc to represent the
16 members described in paragraph (2)(A)(i);

17 “(ii) 1 voting bloc to represent the
18 members described in paragraph (2)(A)(ii);

19 and

20 “(iii) 1 voting bloc to represent the
21 members described in paragraph
22 (2)(A)(iii);

23 “(B) each voting bloc has 1 vote;

24 “(C) the vote of the voting bloc rep-
25 resenting the members described in paragraph

1 (2)(A)(iii) requires the support of at least two-
2 thirds of that voting bloc’s members; and

3 “(D) the Committee makes decisions by
4 unanimous consent of the 3 voting blocs.

5 “(4) MEETINGS; RULES AND PROCEDURES.—
6 The Committee shall convene a meeting and shall
7 define and implement the rules and procedures gov-
8 erning the Committee’s proceedings not later than
9 180 days after the date of establishment of the Com-
10 mittee by the Secretary. The rules and procedures
11 shall—

12 “(A) incorporate and further describe the
13 decisionmaking procedures to be used in accord-
14 ance with paragraph (3); and

15 “(B) be adopted in accordance with such
16 decisionmaking procedures.

17 “(5) COMMITTEE DECISIONS.—Decisions made
18 by the Committee in accordance with the Commit-
19 tee’s rules and procedures, once established, are
20 binding on all Committee members.

21 “(6) COST ALLOCATION METHODOLOGY.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), the Committee may amend the cost
24 allocation methodology required and previously
25 approved under section 209 of the Passenger

1 Rail Investment and Improvement Act of 2008
2 (49 U.S.C. 24101 note).

3 “(B) PROCEDURES FOR CHANGING METH-
4 ODOLOGY.—The rules and procedures imple-
5 mented under paragraph (4) shall include pro-
6 cedures for changing the cost allocation meth-
7 odology.

8 “(C) REQUIREMENTS.—The cost allocation
9 methodology shall—

10 “(i) ensure equal treatment in the
11 provision of like services of all States and
12 groups of States; and

13 “(ii) allocate to each route the costs
14 incurred only for the benefit of that route
15 and a proportionate share, based upon fac-
16 tors that reasonably reflect relative use, of
17 costs incurred for the common benefit of
18 more than 1 route.

19 “(b) INVOICES AND REPORTS.—Not later than Feb-
20 ruary 15, 2016, and monthly thereafter, Amtrak shall pro-
21 vide to each State that sponsors a State-supported route
22 a monthly invoice of the cost of operating such route, in-
23 cluding fixed costs and third-party costs. The Committee
24 shall determine the frequency and contents of the financial
25 and performance reports that Amtrak shall provide to the

1 States, as well as the planning and demand reports that
2 the States shall provide to Amtrak.

3 “(c) DISPUTE RESOLUTION.—

4 “(1) REQUEST FOR DISPUTE RESOLUTION.—If
5 a dispute arises with respect to the rules and proce-
6 dures implemented under subsection (a)(4), an in-
7 voice or a report provided under subsection (b), im-
8 plementation or compliance with the cost allocation
9 methodology developed under section 209 of the Pas-
10 senger Rail Investment and Improvement Act of
11 2008 (49 U.S.C. 24101 note) or amended under
12 subsection (a)(6) of this section, either Amtrak or
13 the State may request that the Surface Transpor-
14 tation Board conduct dispute resolution under this
15 subsection.

16 “(2) PROCEDURES.—The Surface Transpor-
17 tation Board shall establish procedures for resolu-
18 tion of disputes brought before it under this sub-
19 section, which may include provision of professional
20 mediation services.

21 “(3) BINDING EFFECT.—A decision of the Sur-
22 face Transportation Board under this subsection
23 shall be binding on the parties to the dispute.

1 “(4) OBLIGATION.—Nothing in this subsection
2 shall affect the obligation of a State to pay an
3 amount not in dispute.

4 “(d) ASSISTANCE.—

5 “(1) IN GENERAL.—The Secretary may provide
6 assistance to the parties in the course of negotia-
7 tions for a contract for operation of a State-sup-
8 ported route.

9 “(2) FINANCIAL ASSISTANCE.—From among
10 available funds, the Secretary shall—

11 “(A) provide financial assistance to Am-
12 trak or 1 or more States to perform requested
13 independent technical analysis of issues before
14 the Committee; and

15 “(B) reimburse Members for travel ex-
16 penses, including per diem in lieu of subsist-
17 ence, in accordance with section 5703 of title 5.

18 “(e) PERFORMANCE METRICS.—In negotiating a con-
19 tract for operation of a State-supported route, Amtrak
20 and the State or States that sponsor the route shall con-
21 sider including provisions that provide penalties and incen-
22 tives for performance.

23 “(f) STATEMENT OF GOALS AND OBJECTIVES.—

24 “(1) IN GENERAL.—The Committee shall de-
25 velop a statement of goals, objectives, and associated

1 recommendations concerning the future of State-
2 supported routes operated by Amtrak. The state-
3 ment shall identify the roles and responsibilities of
4 Committee members and any other relevant entities,
5 such as host railroads, in meeting the identified
6 goals and objectives, or carrying out the rec-
7 ommendations. The Committee may consult with
8 such relevant entities, as the Committee considers
9 appropriate, when developing the statement.

10 “(2) TRANSMISSION OF STATEMENT OF GOALS
11 AND OBJECTIVES.—Not later than 2 years after the
12 date of enactment of the Railroad Reform, Enhance-
13 ment, and Efficiency Act the Committee shall trans-
14 mit the statement developed under paragraph (1) to
15 the Committee on Commerce, Science, and Trans-
16 portation of the Senate and the Committee on
17 Transportation and Infrastructure of the House of
18 Representatives.

19 “(g) RULE OF CONSTRUCTION.—The decisions of the
20 Committee—

21 “(1) shall pertain to the rail operations of Am-
22 trak and related activities of trains operated by Am-
23 trak on State-sponsored routes; and

1 “(2) shall not pertain to the rail operations or
 2 related activities of services operated by other rail
 3 passenger carriers on State-supported routes.

4 “(h) FEDERAL ADVISORY COMMITTEE ACT.—The
 5 Federal Advisory Committee Act (5 U.S.C. App.) shall not
 6 apply to the Committee.

7 “(i) DEFINITION OF STATE.—In this section, the
 8 term ‘State’ means each of the 50 States, the District of
 9 Columbia, and a public entity that sponsors the operation
 10 of trains by Amtrak on a State-supported route.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 12 The table of contents for chapter 247 is amended by add-
 13 ing at the end the following:

 “24712. State-supported routes operated by Amtrak.”.

14 **SEC. 204. ROUTE AND SERVICE PLANNING DECISIONS.**

15 Section 208 of the Passenger Rail Investment and
 16 Improvement Act of 2008 (49 U.S.C. 24101 note) is
 17 amended to read as follows:

18 **“SEC. 208. METHODOLOGIES FOR AMTRAK ROUTE AND**
 19 **SERVICE PLANNING DECISIONS.**

20 “(a) METHODOLOGY DEVELOPMENT.—Not later
 21 than 180 days after the date of enactment of the Railroad
 22 Reform, Enhancement, and Efficiency Act, as a condition
 23 of receiving a grant under section 101 of that Act, Amtrak
 24 shall obtain the services of an independent entity to de-
 25 velop and recommend objective methodologies for Amtrak

1 to use in determining what intercity rail passenger trans-
2 portation routes and services it should provide, including
3 the establishment of new routes, the elimination of exist-
4 ing routes, and the contraction or expansion of services
5 or frequencies over such routes.

6 “(b) CONSIDERATIONS.—Amtrak shall require the
7 independent entity, in developing the methodologies de-
8 scribed in subsection (a), to consider—

9 “(1) the current and expected performance and
10 service quality of intercity rail passenger transpor-
11 tation operations, including cost recovery, on-time
12 performance, ridership, on-board services, stations,
13 facilities, equipment, and other services;

14 “(2) the connectivity of a route with other
15 routes;

16 “(3) the transportation needs of communities
17 and populations that are not well served by intercity
18 rail passenger transportation service or by other
19 forms of intercity transportation;

20 “(4) the methodologies of Amtrak and major
21 intercity rail passenger transportation service pro-
22 viders in other countries for determining intercity
23 passenger rail routes and services;

1 “(5) the financial and operational effects on the
2 overall network, including the effects on indirect
3 costs;

4 “(6) the views of States and the recommenda-
5 tions described in State rail plans, rail carriers that
6 own infrastructure over which Amtrak operates,
7 Interstate Compacts established by Congress and
8 States, Amtrak employee representatives, stake-
9 holder organizations, and other interested parties;
10 and

11 “(7) the funding levels that will be available
12 under authorization levels that have been enacted
13 into law.

14 “(c) RECOMMENDATIONS.—Not later than 1 year
15 after the date of enactment of the Railroad Reform, En-
16 hancement, and Efficiency Act, Amtrak shall transmit to
17 the Committee on Commerce, Science, and Transportation
18 of the Senate and the Committee on Transportation and
19 Infrastructure of the House of Representatives rec-
20 ommendations developed by the independent entity under
21 subsection (a).

22 “(d) CONSIDERATION OF RECOMMENDATIONS.—Not
23 later than 90 days after the date the recommendations are
24 transmitted under subsection (c), Amtrak shall consider
25 the adoption of each recommendation and transmit to the

1 Committee on Commerce, Science, and Transportation of
 2 the Senate and the Committee on Transportation and In-
 3 frastructure of the House of Representatives a report ex-
 4 plaining the reasons for adopting or not adopting each rec-
 5 ommendation.”.

6 **SEC. 205. COMPETITION.**

7 (a) ALTERNATE PASSENGER RAIL SERVICE PILOT
 8 PROGRAM.—Section 24711 is amended to read as follows:

9 **“§ 24711. Alternate passenger rail service pilot pro-**
 10 **gram**

11 “(a) IN GENERAL.—Not later than 18 months after
 12 the date of enactment of the Railroad Reform, Enhance-
 13 ment, and Efficiency Act, the Secretary of Transportation
 14 shall promulgate a rule to implement a pilot program for
 15 competitive selection of rail carriers for long-distance
 16 routes (as defined in section 24102).

17 “(b) PILOT PROGRAM REQUIREMENTS.—

18 “(1) IN GENERAL.—The pilot program shall—

19 “(A) allow a party described in paragraph

20 (2) to petition the Secretary to provide intercity

21 rail passenger transportation over a long-dis-

22 tance route in lieu of Amtrak for an operations

23 period of 4 years from the date of commence-

24 ment of service by the winning bidder and, at

25 the option of the Secretary, consistent with the

1 rule promulgated under subsection (a), allow
2 the contract to be renewed for an additional op-
3 erations period of 4 years, but not to exceed a
4 total of 3 operations periods;

5 “(B) require the Secretary to—

6 “(i) notify the petitioner and Amtrak
7 of receipt of the petition under subpara-
8 graph (A) and to publish in the Federal
9 Register a notice of receipt not later than
10 30 days after the date of receipt; and

11 “(ii) establish a deadline, of not more
12 than 120 days after the notice of receipt is
13 published in the Federal Register under
14 clause (i), by which both the petitioner and
15 Amtrak, if Amtrak chooses to do so, would
16 be required to submit a complete bid to
17 provide intercity rail passenger transpor-
18 tation over the applicable route;

19 “(C) require that each bid—

20 “(i) describe the capital needs, finan-
21 cial projections, and operational plans, in-
22 cluding staffing plans, for the service, and
23 such other factors as the Secretary con-
24 siders appropriate; and

1 “(ii) be made available by the winning
2 bidder to the public after the bid award;

3 “(D) for a route that receives funding
4 from a State or States, require that for each
5 bid received from a party described in para-
6 graph (2), other than a State, the Secretary
7 have the concurrence of the State or States that
8 provide funding for that route;

9 “(E) for a winning bidder that is not or
10 does not include Amtrak, require the Secretary
11 to execute a contract not later than 270 days
12 after the deadline established under subpara-
13 graph (B)(ii) and award to the winning bid-
14 der—

15 “(i) subject to paragraphs (3) and
16 (4), the right and obligation to provide
17 intercity rail passenger transportation over
18 that route subject to such performance
19 standards as the Secretary may require;
20 and

21 “(ii) an operating subsidy, as deter-
22 mined by the Secretary, for—

23 “(I) the first year at a level that
24 does not exceed 90 percent of the level
25 in effect for that specific route during

1 the fiscal year preceding the fiscal
2 year in which the petition was re-
3 ceived, adjusted for inflation; and

4 “(II) any subsequent years at the
5 level calculated under subclause (I),
6 adjusted for inflation; and

7 “(F) for a winning bidder that is or in-
8 cludes Amtrak, award to that bidder an oper-
9 ating subsidy, as determined by the Secretary,
10 over the applicable route that will not change
11 during the fiscal year in which the bid was sub-
12 mitted solely as a result of the winning bid.

13 “(2) ELIGIBLE PETITIONERS.—The following
14 parties are eligible to submit petitions under para-
15 graph (1):

16 “(A) A rail carrier or rail carriers that own
17 the infrastructure over which Amtrak operates
18 a long-distance route.

19 “(B) A rail passenger carrier with a writ-
20 ten agreement with the rail carrier or rail car-
21 riers that own the infrastructure over which
22 Amtrak operates a long-distance route and that
23 host or would host the intercity rail passenger
24 transportation.

1 “(C) A State, group of States, or State-
2 supported joint powers authority or other sub-
3 State governance entity responsible for provi-
4 sion of intercity rail passenger transportation
5 with a written agreement with the rail carrier
6 or rail carriers that own the infrastructure over
7 which Amtrak operates a long-distance route
8 and that host or would host the intercity rail
9 passenger transportation.

10 “(D) A State, group of States, or State-
11 supported joint powers authority or other sub-
12 State governance entity responsible for provi-
13 sion of intercity rail passenger transportation
14 and a rail passenger carrier with a written
15 agreement with the rail carrier or rail carriers
16 that own the infrastructure over which Amtrak
17 operates a long-distance route and that host or
18 would host the intercity rail passenger transpor-
19 tation.

20 “(3) PERFORMANCE STANDARDS.—If the win-
21 ning bidder under paragraph (1)(E)(i) is not or does
22 not include Amtrak, the performance standards shall
23 be consistent with the performance required of or
24 achieved by Amtrak on the applicable route during
25 the last fiscal year.

1 “(4) AGREEMENT GOVERNING ACCESS
2 ISSUES.—Unless the winning bidder already has ap-
3 plicable access agreements in place or includes a rail
4 carrier that owns the infrastructure used in the op-
5 eration of the route, the winning bidder under para-
6 graph (1)(E)(i) shall enter into a written agreement
7 governing access issues between the winning bidder
8 and the rail carrier or rail carriers that own the in-
9 frastructure over which the winning bidder would
10 operate and that host or would host the intercity rail
11 passenger transportation.

12 “(c) ACCESS TO FACILITIES; EMPLOYEES.—If the
13 Secretary awards the right and obligation to provide rail
14 passenger transportation over a route under this section
15 to an entity in lieu of Amtrak—

16 “(1) the Secretary shall require Amtrak to pro-
17 vide access to the Amtrak-owned reservation system,
18 stations, and facilities directly related to operations
19 of the awarded routes to the rail passenger carrier
20 awarded a contract under this section, in accordance
21 with subsection (g), as necessary to carry out the
22 purposes of this section;

23 “(2) an employee of any person, except for a
24 freight railroad or a person employed or contracted
25 by a freight railroad, used by such rail passenger

1 carrier in the operation of a route under this section
2 shall be considered an employee of that rail pas-
3 senger carrier and subject to the applicable Federal
4 laws and regulations governing similar crafts or
5 classes of employees of Amtrak; and

6 “(3) the winning bidder shall provide hiring
7 preference to qualified Amtrak employees displaced
8 by the award of the bid, consistent with the staffing
9 plan submitted by the bidder, and shall be subject
10 to the grant conditions under section 24405.

11 “(d) CESSATION OF SERVICE.—If a rail passenger
12 carrier awarded a route under this section ceases to oper-
13 ate the service or fails to fulfill an obligation under the
14 contract required under subsection (b)(1)(E), the Sec-
15 retary shall take any necessary action consistent with this
16 title to enforce the contract and ensure the continued pro-
17 vision of service, including—

18 “(1) the installment of an interim rail pas-
19 senger carrier;

20 “(2) providing to the interim rail passenger car-
21 rier under paragraph (1) an operating subsidy nec-
22 essary to provide service; and

23 “(3) rebidding the contract to operate the rail
24 passenger transportation.

25 “(e) BUDGET AUTHORITY.—

1 “(1) IN GENERAL.—The Secretary shall provide
2 to a winning bidder that is not or does not include
3 Amtrak and that is selected under this section any
4 appropriations withheld under section 101(e) of the
5 Railroad Reform, Enhancement, and Efficiency Act,
6 or any subsequent appropriation for the same pur-
7 pose, necessary to cover the operating subsidy de-
8 scribed in subsection (b)(1)(E)(ii).

9 “(2) AMTRAK.—If the Secretary selects a win-
10 ning bidder that is not or does not include Amtrak,
11 the Secretary may provide to Amtrak an appropriate
12 portion of the appropriations under section 101(a) of
13 the Railroad Reform, Enhancement, and Efficiency
14 Act, or any subsequent appropriation for the same
15 purpose, to cover any cost directly attributable to
16 the termination of Amtrak service on the route and
17 any indirect costs to Amtrak imposed on other Am-
18 trak routes as a result of losing service on the route
19 operated by the winning bidder. Any amount pro-
20 vided by the Secretary to Amtrak under this para-
21 graph shall not be deducted from or have any effect
22 on the operating subsidy described in subsection
23 (b)(1)(E)(ii).

24 “(f) DEADLINE.—If the Secretary does not promul-
25 gate the final rule and implement the program before the

1 deadline under subsection (a), the Secretary shall submit
2 to the Committee on Commerce, Science, and Transpor-
3 tation of the Senate and the Committee on Transportation
4 and Infrastructure of the House of Representatives a let-
5 ter, signed by the Secretary and Administrator of the Fed-
6 eral Railroad Administration, each month until the rule
7 is complete, including—

8 “(1) the reasons why the rule has not been
9 issued;

10 “(2) an updated staffing plan for completing
11 the rule as soon as feasible;

12 “(3) the contact information of the official that
13 will be overseeing the execution of the staffing plan;
14 and

15 “(4) the estimated date of completion of the
16 rule.

17 “(g) DISPUTES.—If Amtrak and the rail passenger
18 carrier awarded a route under this section cannot agree
19 upon terms to carry out subsection (c)(1), and the Surface
20 Transportation Board finds that access to Amtrak’s facili-
21 ties or equipment, or the provision of services by Amtrak,
22 is necessary under subsection (c)(1) and that the oper-
23 ation of Amtrak’s other services will not be impaired
24 thereby, the Surface Transportation Board shall issue an
25 order that the facilities and equipment be made available,

1 and that services be provided, by Amtrak, and shall deter-
2 mine reasonable compensation, liability, and other terms
3 for use of the facilities and equipment and provision of
4 the services.

5 “(h) LIMITATION.—Not more than 3 long-distance
6 routes may be selected under this section for operation by
7 a winning bidder that is not or does not include Amtrak.

8 “(i) PRESERVATION OF RIGHT TO COMPETITION ON
9 STATE-SUPPORTED ROUTES.—Nothing in this section
10 shall be construed as prohibiting a State from introducing
11 competition for intercity rail passenger transportation or
12 services on its State-supported route or routes.”

13 (b) REPORT.—Not later than 4 years after the date
14 of implementation of the pilot program under section
15 24711 of title 49, United States Code, and quadrennially
16 thereafter until the pilot program is discontinued, the Sec-
17 retary shall submit to the Committee on Commerce,
18 Science, and Transportation of the Senate and the Com-
19 mittee on Transportation and Infrastructure of the House
20 of Representatives a report on the results on the pilot pro-
21 gram to date and any recommendations for further action.

22 **SEC. 206. ROLLING STOCK PURCHASES.**

23 (a) IN GENERAL.—Prior to entering into any con-
24 tract in excess of \$100,000,000 for rolling stock and loco-
25 motive procurements Amtrak shall submit a business case

1 analysis to the Secretary, the Committee on Commerce,
2 Science, and Transportation and the Committee on Appro-
3 priations of the Senate and the Committee on Transpor-
4 tation and Infrastructure and the Committee on Appro-
5 priations of the House of Representatives, on the utility
6 of such procurements.

7 (b) CONTENTS.—The business case analysis shall—

8 (1) include a cost and benefit comparison that
9 describes the total lifecycle costs and the anticipated
10 benefits related to revenue, operational efficiency, re-
11 liability, and other factors;

12 (2) set forth the total payments by fiscal year;

13 (3) identify the specific source and amounts of
14 funding for each payment, including Federal funds,
15 State funds, Amtrak profits, Federal, State, or pri-
16 vate loans or loan guarantees, and other funding;

17 (4) include an explanation of whether any pay-
18 ment under the contract will increase Amtrak's
19 grant request, as required under section 24318 of
20 title 49, United States Code, in that particular fiscal
21 year; and

22 (5) describe how Amtrak will adjust the pro-
23 curement if future funding is not available.

24 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion shall be construed as requiring Amtrak to disclose

1 confidential information regarding a potential vendor's
2 proposed pricing or other sensitive business information
3 prior to contract execution.

4 **SEC. 207. FOOD AND BEVERAGE POLICY.**

5 (a) IN GENERAL.—Chapter 243, as amended in sec-
6 tion 202 of this Act, is further amended by adding after
7 section 24320 the following:

8 **“§ 24321. Food and beverage reform**

9 “(a) PLAN.—Not later than 90 days after the date
10 of enactment of the Railroad Reform, Enhancement, and
11 Efficiency Act, Amtrak shall develop and begin imple-
12 menting a plan to eliminate, not later than 4 years after
13 the date of enactment of that Act, the operating loss asso-
14 ciated with providing food and beverage service on board
15 Amtrak trains.

16 “(b) CONSIDERATIONS.—In developing and imple-
17 menting the plan under subsection (a), Amtrak shall con-
18 sider a combination of cost management and revenue gen-
19 eration initiatives, including—

20 “(1) scheduling optimization;

21 “(2) onboard logistics;

22 “(3) product development and supply chain effi-
23 ciency;

24 “(4) training, awards, and accountability;

1 “(5) technology enhancements and process im-
2 provements; and

3 “(6) ticket revenue allocation.

4 “(c) SAVINGS CLAUSE.—Amtrak shall ensure that no
5 Amtrak employee holding a position as of the date of en-
6 actment of the Railroad Reform, Enhancement, and Effi-
7 ciency Act is involuntarily separated because of—

8 “(1) the development and implementation of the
9 plan required under subsection (a); or

10 “(2) any other action taken by Amtrak to im-
11 plement this section.

12 “(d) NO FEDERAL FUNDING FOR OPERATING
13 LOSSES.—Beginning on the date that is 4 years after the
14 date of enactment of the Railroad Reform, Enhancement,
15 and Efficiency Act, no Federal funds may be used to cover
16 any operating loss associated with providing food and bev-
17 erage service on a route operated by Amtrak or an alter-
18 native passenger rail service provider that operates a route
19 in lieu of Amtrak under section 24711.

20 “(e) REPORT.—Not later than 120 days after the
21 date of enactment of the Railroad Reform, Enhancement,
22 and Efficiency Act, and annually thereafter for a period
23 of 4 years, Amtrak shall transmit to the Committee on
24 Commerce, Science, and Transportation of the Senate and
25 the Committee on Transportation and Infrastructure of

1 the House of Representatives a report on the plan devel-
 2 oped under subsection (a) and a description of progress
 3 in the implementation of the plan.”.

4 (b) CONFORMING AMENDMENT.—The table of con-
 5 tents for chapter 243, as amended in section 202 of this
 6 Act, is amended by adding at the end the following:

“24321. Food and beverage reform.”.

7 **SEC. 208. LOCAL PRODUCTS AND PROMOTIONAL EVENTS.**

8 (a) IN GENERAL.—Not later than 6 months after the
 9 date of enactment of this Act, Amtrak shall establish a
 10 pilot program for a State or States that sponsor a State-
 11 supported route operated by Amtrak to facilitate—

12 (1) onboard purchase and sale of local food and
 13 beverage products; and

14 (2) partnerships with local entities to hold pro-
 15 motional events on trains or in stations.

16 (b) PROGRAM DESIGN.—The pilot program under
 17 paragraph (1) shall allow a State or States—

18 (1) to nominate and select a local food and bev-
 19 erage products supplier or suppliers or local pro-
 20 motional event partner;

21 (2) to charge a reasonable price or fee for local
 22 food and beverage products or promotional events
 23 and related activities to help defray the costs of pro-
 24 gram administration and State-supported routes;
 25 and

1 (3) a mechanism to ensure that State products
2 can effectively be handled and integrated into exist-
3 ing food and beverage services, including compliance
4 with all applicable regulations and standards gov-
5 erning such services.

6 (c) PROGRAM ADMINISTRATION.—The pilot program
7 shall—

8 (1) for local food and beverage products, ensure
9 the products are integrated into existing food and
10 beverage services, including compliance with all ap-
11 plicable regulations and standards;

12 (2) for promotional events, ensure the events
13 are held in compliance with all applicable regulations
14 and standards, including terms to address insurance
15 requirements; and

16 (3) require an annual report that documents
17 revenues and costs and indicates whether the prod-
18 ucts or events resulted in a reduction in the financial
19 contribution of a State or States to the applicable
20 State-supported route.

21 (d) REPORT.—Not later than 4 years after the date
22 of establishment of the pilot programs under this section,
23 Amtrak shall report to the Committee on Commerce,
24 Science, and Transportation of the Senate and the Com-
25 mittee on Transportation and Infrastructure of the House

1 of Representatives on which States have participated in
2 the pilot programs under this section. The report shall
3 summarize the financial and operational outcomes of the
4 pilot programs.

5 (e) RULE OF CONSTRUCTION.—Nothing in this sub-
6 section shall be construed as limiting Amtrak’s ability to
7 operate special trains in accordance with section 216 of
8 the Passenger Rail Investment and Improvement Act of
9 2008 (49 U.S.C. 24308 note).

10 **SEC. 209. RIGHT-OF-WAY LEVERAGING.**

11 (a) REQUEST FOR PROPOSALS.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, Amtrak shall
14 issue a Request for Proposals seeking qualified per-
15 sons or entities to utilize right-of-way and real estate
16 owned, controlled, or managed by Amtrak for tele-
17 communications systems, energy distribution sys-
18 tems, and other activities considered appropriate by
19 Amtrak.

20 (2) CONTENTS.—The Request for Proposals
21 shall provide sufficient information on the right-of-
22 way and real estate assets to enable respondents to
23 propose an arrangement that will monetize or gen-
24 erate additional revenue from such assets through

1 revenue sharing or leasing agreements with Amtrak,
2 to the extent possible.

3 (b) CONSIDERATION OF PROPOSALS.—Not later than
4 180 days following the deadline for the receipt of pro-
5 posals under subsection (a), Amtrak shall review and con-
6 sider each qualified proposal. Amtrak may enter into such
7 agreements as are necessary to implement any qualified
8 proposal.

9 (c) REPORT.—Not later than 270 days following the
10 deadline for the receipt of proposals under subsection (a),
11 Amtrak shall transmit to the Committee on Commerce,
12 Science, and Transportation of the Senate and the Com-
13 mittee on Transportation and Infrastructure of the House
14 of Representatives a report on the Request for Proposals
15 required by this section, including summary information
16 of any proposals submitted to Amtrak and any proposals
17 accepted by Amtrak.

18 (d) SAVINGS CLAUSE.—Nothing in this section shall
19 be construed to limit Amtrak’s ability to utilize right-of-
20 way or real estate assets that it currently owns, controls,
21 or manages or constrain Amtrak’s ability to enter into
22 agreements with other parties to utilize such assets.

23 **SEC. 210. STATION DEVELOPMENT.**

24 (a) REPORT ON DEVELOPMENT OPTIONS.—Not later
25 than 1 year after the date of enactment of this Act, Am-

1 trak shall transmit to the Committee on Commerce,
2 Science, and Transportation of the Senate and the Com-
3 mittee on Transportation and Infrastructure of the House
4 of Representatives a report on options to enhance eco-
5 nomic development and accessibility of and around Am-
6 trak stations and terminals, for the purposes of—

7 (1) improving station condition, functionality,
8 capacity, and customer amenities;

9 (2) generating additional investment capital and
10 development-related revenue streams;

11 (3) increasing ridership and revenue;

12 (4) complying with the applicable sections of
13 the Americans with Disabilities Act of 1990 (42
14 U.S.C. 12101 et seq.) and the Rehabilitation Act of
15 1973 (29 U.S.C. 701 et seq.); and

16 (5) strengthening multimodal connections, in-
17 cluding transit, intercity buses, roll-on and roll-off
18 bicycles, and airports, as appropriate.

19 (b) REQUEST FOR INFORMATION.—Not later than 90
20 days after the date the report is transmitted under sub-
21 section (a), Amtrak shall issue a Request of Information
22 for 1 or more owners of stations served by Amtrak to for-
23 mally express an interest in completing the requirements
24 of this section.

25 (c) PROPOSALS.—

1 (1) REQUEST FOR PROPOSALS.—Not later than
2 180 days after the date the Request for Information
3 is issued under subsection (a), Amtrak shall issue a
4 Request for Proposals from qualified persons, in-
5 cluding small business concerns owned and con-
6 trolled by socially and economically disadvantaged
7 individuals and veteran-owned small businesses, to
8 lead, participate, or partner with Amtrak, a station
9 owner that responded under subsection (b), and
10 other entities in enhancing development in and
11 around such stations and terminals using applicable
12 options identified under subsection (a) at facilities
13 selected by Amtrak.

14 (2) CONSIDERATION OF PROPOSALS.—Not later
15 than 1 year after the date the Request for Proposals
16 are issued under paragraph (1), Amtrak shall review
17 and consider qualified proposals submitted under
18 paragraph (1). Amtrak or a station owner that re-
19 sponded under subsection (b) may enter into such
20 agreements as are necessary to implement any quali-
21 fied proposal.

22 (d) REPORT.—Not later than 3 years after the date
23 of enactment of this Act, Amtrak shall transmit to the
24 Committee on Commerce, Science, and Transportation of
25 the Senate and the Committee on Transportation and In-

1 frastructure of the House of Representatives a report on
2 the Request for Proposals process required under this sec-
3 tion, including summary information of any qualified pro-
4 posals submitted to Amtrak and any proposals acted upon
5 by Amtrak or a station owner that responded under sub-
6 section (b).

7 (e) DEFINITIONS.—In this section, the terms “small
8 business concern”, “socially and economically disadvan-
9 tagged individual”, and “veteran-owned small business”
10 have the meanings given the terms in section 304(c) of
11 this Act.

12 (f) SAVINGS CLAUSE.—Nothing in this section shall
13 be construed to limit Amtrak’s ability to develop its sta-
14 tions, terminals, or other assets, to constrain Amtrak’s
15 ability to enter into and carry out agreements with other
16 parties to enhance development at or around Amtrak sta-
17 tions or terminals, or to affect any station development
18 initiatives ongoing as of the date of enactment of this Act.

19 **SEC. 211. AMTRAK DEBT.**

20 Section 205 of the Passenger Rail Investment and
21 Improvement Act of 2008 (49 U.S.C. 24101 note) is
22 amended—

23 (1) by striking “as of the date of enactment of
24 this Act” each place it appears;

25 (2) in subsection (a)—

1 (A) by inserting “, to the extent provided
2 in advance in appropriations Acts” after “Am-
3 trak’s indebtedness”; and

4 (B) by striking the second sentence;

5 (3) in subsection (b), by striking “The Sec-
6 retary of the Treasury, in consultation” and insert-
7 ing “To the extent amounts are provided in advance
8 in appropriations Acts, the Secretary of the Treas-
9 ury, in consultation”;

10 (4) in subsection (d), by inserting “, to the ex-
11 tent provided in advance in appropriations Acts”
12 after “as appropriate”;

13 (5) in subsection (e)—

14 (A) in paragraph (1), by striking “by sec-
15 tion 102 of this division”; and

16 (B) in paragraph (2), by striking “by sec-
17 tion 102” and inserting “for Amtrak”;

18 (6) in subsection (g), by inserting “, unless that
19 debt receives credit assistance, including direct loans
20 and loan guarantees, under chapter 6 of title 23,
21 United States Code or title V of the Railroad Revi-
22 talization and Regulatory Act of 1976 (45 U.S.C.
23 821 et seq.)” after “Secretary”; and

24 (7) by striking subsection (h).

1 **SEC. 212. AMTRAK PILOT PROGRAM FOR PASSENGERS**
2 **TRANSPORTING DOMESTICATED CATS AND**
3 **DOGS.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, Amtrak shall develop a pilot
6 program that allows passengers to transport domesticated
7 cats or dogs on certain trains operated by Amtrak.

8 (b) PET POLICY.—In developing the pilot program
9 required under subsection (a), Amtrak shall—

10 (1) in the case of a passenger train that is com-
11 prised of more than 1 car, designate, where feasible,
12 at least 1 car in which a ticketed passenger may
13 transport a domesticated cat or dog in the same
14 manner as carry-on baggage if—

15 (A) the cat or dog is contained in a pet
16 kennel;

17 (B) the pet kennel complies with Amtrak
18 size requirements for carriage of carry-on bag-
19 gage;

20 (C) the passenger is traveling on a train
21 operating on a route described in subparagraph
22 (A), (B), or (D) of section 24102(6) of title 49,
23 United States Code; and

24 (D) the passenger pays a fee described in
25 paragraph (3);

1 (2) allow a ticketed passenger to transport a
2 domesticated cat or dog on a train in the same man-
3 ner as cargo if—

4 (A) the cat or dog is contained in a pet
5 kennel;

6 (B) the pet kennel is stowed in accordance
7 with Amtrak requirements for cargo stowage;

8 (C) the passenger is traveling on a train
9 operating on a route described in subparagraph
10 (A), (B), or (D) of section 24102(6) of title 49,
11 United States Code;

12 (D) the cargo area is temperature con-
13 trolled in a manner protective of cat and dog
14 safety and health; and

15 (E) the passenger pays a fee described in
16 paragraph (3); and

17 (3) collect fees for each cat or dog transported
18 by a ticketed passenger in an amount that, in the
19 aggregate and at a minimum, covers the full costs
20 of the pilot program.

21 (c) REPORT.—Not later than 1 year after the pilot
22 program required under subsection (a) is first imple-
23 mented, Amtrak shall transmit to the Committee on Com-
24 merce, Science, and Transportation of the Senate and the
25 Committee on Transportation and Infrastructure of the

1 House of Representatives a report containing an evalua-
2 tion of the pilot program.

3 (d) LIMITATION ON STATUTORY CONSTRUCTION.—

4 (1) SERVICE ANIMALS.—The pilot program
5 under subsection (a) shall be separate from and in
6 addition to the policy governing Amtrak passengers
7 traveling with service animals. Nothing in this sec-
8 tion may be interpreted to limit or waive the rights
9 of passengers to transport service animals.

10 (2) ADDITIONAL TRAIN CARS.—Nothing in this
11 section may be interpreted to require Amtrak to add
12 additional train cars or modify existing train cars.

13 (3) FEDERAL FUNDS.—No Federal funds may
14 be used to implement the pilot program required
15 under this section.

16 **SEC. 213. AMTRAK BOARD OF DIRECTORS.**

17 (a) IN GENERAL.—Section 24302(a) is amended to
18 read as follows:

19 “(a) COMPOSITION AND TERMS.—

20 “(1) IN GENERAL.—The Amtrak Board of Di-
21 rectors (referred to in this section as the ‘Board’) is
22 composed of the following 9 directors, each of whom
23 must be a citizen of the United States:

24 “(A) The Secretary of Transportation.

25 “(B) The President of Amtrak.

1 “(C) 7 individuals appointed by the Presi-
2 dent of the United States, by and with the ad-
3 vice and consent of the Senate, with general
4 business and financial experience, experience or
5 qualifications in transportation, freight and
6 passenger rail transportation, travel, hospi-
7 tality, or passenger air transportation busi-
8 nesses, or representatives of employees or users
9 of passenger rail transportation or a State gov-
10 ernment.

11 “(2) SELECTION.—In selecting individuals de-
12 scribed in paragraph (1)(C) for nominations for ap-
13 pointments to the Board, the President shall consult
14 with the Speaker of the House of Representatives,
15 the minority leader of the House of Representatives,
16 the majority leader of the Senate, and the minority
17 leader of the Senate. The individuals appointed to
18 the Board under paragraph (1)(C) shall be com-
19 posed of the following;

20 “(A) 2 individuals from the Northeast Cor-
21 ridor.

22 “(B) 4 individuals from regions of the
23 country outside of the Northeast Corridor and
24 geographically distributed with—

1 “(i) 2 individuals from States with
2 long-distance routes operated by Amtrak;
3 and

4 “(ii) 2 individuals from States with
5 State-supported routes operated by Am-
6 trak.

7 “(C) 1 individual from the Northeast Cor-
8 ridor or a State with long-distance or State-
9 supported routes.

10 “(3) TERM.—An individual appointed under
11 paragraph (1)(C) shall be appointed for a term of 5
12 years. The term may be extended until the individ-
13 ual’s successor is appointed and qualified. Not more
14 than 4 individuals appointed under paragraph (1)(C)
15 may be members of the same political party.

16 “(4) CHAIRPERSON AND VICE CHAIRPERSON.—
17 The Board shall elect a chairperson and vice chair-
18 person, other than the President of Amtrak, from
19 among its membership. The vice chairperson shall
20 serve as chairperson in the absence of the chair-
21 person.

22 “(5) SECRETARY’S DESIGNEE.—The Secretary
23 may be represented at Board meetings by the Sec-
24 retary’s designee.”.

1 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
 2 tion shall be construed as affecting the term of any direc-
 3 tor serving on the Amtrak Board of Directors under sec-
 4 tion 24302(a)(1)(C) of title 49, United States Code, on
 5 the day preceding the date of enactment of this Act.

6 **TITLE III—INTERCITY**
 7 **PASSENGER RAIL POLICY**

8 **SEC. 301. COMPETITIVE OPERATING GRANTS.**

9 (a) IN GENERAL.—Chapter 244 is amended—

10 (1) by striking section 24406; and

11 (2) by inserting after section 24405 the fol-
 12 lowing:

13 **“§ 24406. Competitive operating grants**

14 “(a) APPLICANT DEFINED.—In this section, the term
 15 ‘applicant’ means—

16 “(1) a State;

17 “(2) a group of States;

18 “(3) an Interstate Compact;

19 “(4) a public agency or publicly chartered au-
 20 thority established by 1 or more States and having
 21 responsibility for providing intercity rail passenger
 22 transportation or commuter rail passenger transpor-
 23 tation;

24 “(5) a political subdivision of a State;

1 “(6) Amtrak or another rail passenger carrier
2 that provides intercity rail passenger transportation;

3 “(7) Any rail carrier in partnership with at
4 least 1 of the entities described in paragraphs (1)
5 through (5); and

6 “(8) any combination of the entities described
7 in paragraphs (1) through (7).

8 “(b) GRANTS AUTHORIZED.—The Secretary of
9 Transportation shall develop and implement a program for
10 issuing 3-year operating assistance grants to applicants,
11 on a competitive basis, for the purpose of initiating, re-
12 storing, or enhancing intercity rail passenger service.

13 “(c) APPLICATION.—An applicant for a grant under
14 this section shall submit to the Secretary—

15 “(1) a capital and mobilization plan that—

16 “(A) describes any capital investments,
17 service planning actions (such as environmental
18 reviews), and mobilization actions (such as
19 qualification of train crews) required for initi-
20 ation of service; and

21 “(B) includes the timeline for undertaking
22 and completing each of the investments and ac-
23 tions referred to in subparagraph (A);

24 “(2) an operating plan that describes the
25 planned operation of the service, including—

1 “(A) the identity and qualifications of the
2 train operator;

3 “(B) the identity and qualifications of any
4 other service providers;

5 “(C) service frequency;

6 “(D) the planned routes and schedules;

7 “(E) the station facilities that will be uti-
8 lized;

9 “(F) projected ridership, revenues, and
10 costs;

11 “(G) descriptions of how the projections
12 under subparagraph (F) were developed;

13 “(H) the equipment that will be utilized,
14 how such equipment will be acquired or refur-
15 bished, and where such equipment will be main-
16 tained; and

17 “(I) a plan for ensuring safe operations
18 and compliance with applicable safety regula-
19 tions;

20 “(3) a funding plan that—

21 “(A) describes the funding of initial capital
22 costs and operating costs for the first 3 years
23 of operation;

24 “(B) includes a commitment by the appli-
25 cant to provide the funds described in subpara-

1 graph (A) to the extent not covered by Federal
2 grants and revenues; and

3 “(C) describes the funding of operating
4 costs and capital costs, to the extent necessary,
5 after the first 3 years of operation; and

6 “(4) a description of the status of negotiations
7 and agreements with—

8 “(A) each of the railroads or regional
9 transportation authorities whose tracks or fa-
10 cilities would be utilized by the service;

11 “(B) the anticipated rail passenger carrier,
12 if such entity is not part of the applicant group;
13 and

14 “(C) any other service providers or entities
15 expected to provide services or facilities that
16 will be used by the service, including any re-
17 quired access to Amtrak systems, stations, and
18 facilities if Amtrak is not part of the applicant
19 group.

20 “(d) PRIORITIES.—In awarding grants under this
21 section, the Secretary shall give priority to applications—

22 “(1) for which planning, design, any environ-
23 mental reviews, negotiation of agreements, acquisi-
24 tion of equipment, construction, and other actions

1 necessary for initiation of service have been com-
2 pleted or nearly completed;

3 “(2) that would restore service over routes for-
4 merly operated by Amtrak, including routes with
5 international connections;

6 “(3) that would provide daily or daytime service
7 over routes where such service did not previously
8 exist;

9 “(4) that include private funding (including
10 funding from railroads), and funding or other sig-
11 nificant participation by State, local, and regional
12 governmental and private entities;

13 “(5) that include a funding plan that dem-
14 onstrates the intercity rail passenger service will be
15 financially sustainable beyond the 3-year grant pe-
16 riod;

17 “(6) that would provide service to regions and
18 communities that are underserved or not served by
19 other intercity public transportation;

20 “(7) that would foster economic development,
21 particularly in rural communities and for disadvan-
22 taged populations;

23 “(8) that would provide other non-transpor-
24 tation benefits; and

1 “(9) that would enhance connectivity and geo-
2 graphic coverage of the existing national network of
3 intercity passenger rail service.

4 “(e) LIMITATIONS.—

5 “(1) DURATION.—Federal operating assistance
6 grants authorized under this section for any indi-
7 vidual intercity rail passenger transportation route
8 may not provide funding for more than 3 years and
9 may not be renewed.

10 “(2) LIMITATION.—Not more than 6 of the op-
11 erating assistance grants awarded pursuant to sub-
12 section (b) may be simultaneously active.

13 “(3) MAXIMUM FUNDING.—Grants described in
14 paragraph (1) may not exceed—

15 “(A) 80 percent of the projected net oper-
16 ating costs for the first year of service;

17 “(B) 60 percent of the projected net oper-
18 ating costs for the second year of service; and

19 “(C) 40 percent of the projected net oper-
20 ating costs for the third year of service.

21 “(f) USE WITH CAPITAL GRANTS AND OTHER FED-
22 ERAL FUNDING.—A recipient of an operating assistance
23 grant under subsection (b) may use that grant in combina-
24 tion with other grants awarded under this chapter or any

1 other Federal funding that would benefit the applicable
2 service.

3 “(g) AVAILABILITY.—Amounts appropriated for car-
4 rying out this section shall remain available until ex-
5 pended.

6 “(h) COORDINATION WITH AMTRAK.—If the Sec-
7 retary awards a grant under this section to a rail pas-
8 senger carrier other than Amtrak, Amtrak may be re-
9 quired under section 24711(c)(1) of this title to provide
10 access to its reservation system, stations, and facilities
11 that are directly related to operations to such carrier, to
12 the extent necessary to carry out the purposes of this sec-
13 tion. The Secretary may award an appropriate portion of
14 the grant to Amtrak as compensation for this access.

15 “(i) CONDITIONS.—

16 “(1) GRANT AGREEMENT.—The Secretary shall
17 require grant recipients under this section to enter
18 into a grant agreement that requires them to pro-
19 vide similar information regarding the route per-
20 formance, financial, and ridership projections, and
21 capital and business plans that Amtrak is required
22 to provide, and such other data and information as
23 the Secretary deems necessary.

24 “(2) INSTALLMENTS; TERMINATION.—The Sec-
25 retary may—

1 “(A) award grants under this section in in-
2 stallments, as the Secretary considers appro-
3 priate; and

4 “(B) terminate any grant agreement
5 upon—

6 “(i) the cessation of service; or

7 “(ii) the violation of any other term of
8 the grant agreement.

9 “(3) GRANT CONDITIONS.—Except as specifi-
10 cally provided in this section, the use of any
11 amounts appropriated for grants under this section
12 shall be subject to the requirements under this chap-
13 ter.

14 “(j) REPORT.—Not later than 4 years after the date
15 of enactment of the Railroad Reform, Enhancement, and
16 Efficiency Act, the Secretary, after consultation with
17 grant recipients under this section, shall submit a report
18 to Congress that describes—

19 “(1) the implementation of this section;

20 “(2) the status of the investments and oper-
21 ations funded by such grants;

22 “(3) the performance of the routes funded by
23 such grants;

24 “(4) the plans of grant recipients for continued
25 operation and funding of such routes; and

1 “(5) any legislative recommendations.”.

2 (b) CONFORMING AMENDMENTS.—Chapter 244 is
3 amended—

4 (1) in the table of contents, by inserting after
5 the item relating to section 24405 the following:

“24406. Competitive operating grants.”;

6 (2) in the chapter title, by striking “**INTER-**
7 **CITY PASSENGER RAIL SERVICE COR-**
8 **RIDOR CAPITAL**” and inserting “**RAIL CAP-**
9 **ITAL AND OPERATING**”;

10 (3) in section 24401, by striking paragraph (1);

11 (4) in section 24402, by striking subsection (j)

12 and inserting the following:

13 “(j) APPLICANT DEFINED.—In this section, the term
14 ‘applicant’ means a State (including the District of Co-
15 lumbia), a group of States, an Interstate Compact, a pub-
16 lic agency or publicly chartered authority established by
17 1 or more States and having responsibility for providing
18 intercity rail passenger transportation, or a political sub-
19 division of a State.”; and

20 (5) in section 24405—

21 (A) in subsection (b)—

22 (i) by inserting “, or for which an op-
23 erating grant is issued under section
24 24406,” after “chapter”; and

1 (ii) in paragraph (2), by striking
2 “(43” and inserting “(45”;

3 (B) in subsection (d)(1), in the matter pre-
4 ceding subparagraph (A), by inserting “or un-
5 less Amtrak ceased providing intercity pas-
6 senger railroad transportation over the affected
7 route more than 3 years before the commence-
8 ment of new service” after “unless such service
9 was provided solely by Amtrak to another enti-
10 ty”;

11 (C) in subsection (f), by striking “under
12 this chapter for commuter rail passenger trans-
13 portation, as defined in section 24012(4) of this
14 title.” and inserting “under this chapter for
15 commuter rail passenger transportation (as de-
16 fined in section 24102(3)).”; and

17 (D) by adding at the end the following:

18 “(g) SPECIAL TRANSPORTATION CIRCUMSTANCES.—
19 In carrying out this chapter, the Secretary shall allocate
20 an appropriate portion of the amounts available under this
21 chapter to provide grants to States—

22 “(1) in which there is no intercity passenger
23 rail service, for the purpose of funding freight rail
24 capital projects that are on a State rail plan devel-
25 oped under chapter 227 that provide public benefits

1 (as defined in chapter 227), as determined by the
2 Secretary; or

3 “(2) in which the rail transportation system is
4 not physically connected to rail systems in the conti-
5 nental United States or may not otherwise qualify
6 for a grant under this section due to the unique
7 characteristics of the geography of that State or
8 other relevant considerations, for the purpose of
9 funding transportation-related capital projects.”.

10 **SEC. 302. FEDERAL-STATE PARTNERSHIP FOR STATE OF**
11 **GOOD REPAIR.**

12 (a) AMENDMENT.—Chapter 244 is amended by in-
13 serring after section 24406, as added by section 301 of
14 this Act, the following:

15 **“§ 24407. Federal-State partnership for state of good**
16 **repair**

17 “(a) DEFINITIONS.—In this section:

18 “(1) APPLICANT.—The term ‘applicant’
19 means—

20 “(A) a State (including the District of Co-
21 lumbia);

22 “(B) a group of States;

23 “(C) an Interstate Compact;

24 “(D) a public agency or publicly chartered
25 authority established by 1 or more States that

1 has responsibility for providing intercity rail
2 passenger transportation or commuter rail pas-
3 senger transportation;

4 “(E) a political subdivision of a State;

5 “(F) Amtrak, acting on its own behalf or
6 under a cooperative agreement with 1 or more
7 States; or

8 “(G) any combination of the entities de-
9 scribed in subparagraphs (A) through (F).

10 “(2) CAPITAL PROJECT.—The term ‘capital
11 project’ means—

12 “(A) a project primarily intended to re-
13 place, rehabilitate, or repair major infrastruc-
14 ture assets utilized for providing intercity pas-
15 senger rail service, including tunnels, bridges,
16 stations, and other assets, as determined by the
17 Secretary; or

18 “(B) a project primarily intended to im-
19 prove intercity passenger rail performance, in-
20 cluding reduced trip times, increased train fre-
21 quencies, higher operating speeds, and other
22 improvements, as determined by the Secretary.

23 “(3) NORTHEAST CORRIDOR.—The term
24 ‘Northeast Corridor’ means—

1 “(A) the main rail line between Boston,
2 Massachusetts and the Virginia Avenue inter-
3 locking in the District of Columbia; and

4 “(B) the branch rail lines connecting to
5 Harrisburg, Pennsylvania, Springfield, Massa-
6 chusetts, and Spuyten Duyvil, New York.

7 “(4) QUALIFIED RAILROAD ASSET.—The term
8 ‘qualified railroad asset’ means infrastructure,
9 equipment, or a facility that—

10 “(A) is owned or controlled by an eligible
11 applicant; and

12 “(B) was not in a state of good repair on
13 the date of enactment of the Railroad Reform,
14 Enhancement, and Efficiency Act.

15 “(b) GRANT PROGRAM AUTHORIZED.—The Secretary
16 of Transportation shall develop and implement a program
17 for issuing grants to applicants, on a competitive basis,
18 to fund capital projects that reduce the state of good re-
19 pair backlog on qualified railroad assets.

20 “(c) ELIGIBLE PROJECTS.—Projects eligible for
21 grants under this section include capital projects to re-
22 place or rehabilitate qualified railroad assets, including—

23 “(1) capital projects to replace existing assets
24 in-kind;

1 “(2) capital projects to replace existing assets
2 with assets that increase capacity or provide a high-
3 er level of service; and

4 “(3) capital projects to ensure that service can
5 be maintained while existing assets are brought to a
6 state of good repair.

7 “(d) PROJECT SELECTION CRITERIA.—In selecting
8 an applicant for a grant under this section, the Secretary
9 shall—

10 “(1) give preference to eligible projects—

11 “(A) that are consistent with the goals, ob-
12 jectives, and policies defined in any regional rail
13 planning document that is applicable to a
14 project proposal; and

15 “(B) for which the proposed Federal share
16 of total project costs does not exceed 50 per-
17 cent; and

18 “(2) take into account—

19 “(A) the cost-benefit analysis of the pro-
20 posed project, including anticipated private and
21 public benefits relative to the costs of the pro-
22 posed project, including—

23 “(i) effects on system and service per-
24 formance;

1 “(ii) effects on safety, competitive-
2 ness, reliability, trip or transit time, and
3 resilience;

4 “(iii) efficiencies from improved inte-
5 gration with other modes; and

6 “(iv) ability to meet existing or antici-
7 pated demand;

8 “(B) the degree to which the proposed
9 project’s business plan considers potential pri-
10 vate sector participation in the financing, con-
11 struction, or operation of the proposed project;

12 “(C) the applicant’s past performance in
13 developing and delivering similar projects, and
14 previous financial contributions;

15 “(D) whether the applicant has, or will
16 have—

17 “(i) the legal, financial, and technical
18 capacity to carry out the project;

19 “(ii) satisfactory continuing control
20 over the use of the equipment or facilities;
21 and

22 “(iii) the capability and willingness to
23 maintain the equipment or facilities;

24 “(E) if applicable, the consistency of the
25 project with planning guidance and documents

1 set forth by the Secretary or required by law;
2 and

3 “(F) any other relevant factors, as deter-
4 mined by the Secretary.

5 “(e) PLANNING REQUIREMENTS.—A project is not el-
6 igible for a grant under this section unless the project is
7 specifically identified—

8 “(1) on a State rail plan prepared in accord-
9 ance with chapter 227; or

10 “(2) if the project is located on the Northeast
11 Corridor, on the Northeast Corridor Capital Invest-
12 ment Plan developed pursuant to section 24904(a).

13 “(f) NORTHEAST CORRIDOR PROJECTS.—

14 “(1) COMPLIANCE WITH USAGE AGREE-
15 MENTS.—Grant funds may not be provided under
16 this section to an eligible recipient for an eligible
17 project located on the Northeast Corridor unless
18 Amtrak and the public authorities providing com-
19 muter rail passenger transportation on the North-
20 east Corridor are in compliance with section
21 24905(c)(2).

22 “(2) CAPITAL INVESTMENT PLAN.—When se-
23 lecting projects located on the Northeast Corridor,
24 the Secretary shall consider the appropriate se-
25 quence and phasing of projects as contained in the

1 Northeast Corridor Capital Investment Plan devel-
2 oped pursuant to section 24904(a).

3 “(g) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

4 “(1) TOTAL PROJECT COST.—The Secretary
5 shall estimate the total cost of a project under this
6 section based on the best available information, in-
7 cluding engineering studies, studies of economic fea-
8 sibility, environmental analyses, and information on
9 the expected use of equipment or facilities.

10 “(2) FEDERAL SHARE.—The Federal share of
11 total costs for a project under this subsection shall
12 not exceed 80 percent.

13 “(3) TREATMENT OF AMTRAK REVENUE.—If
14 Amtrak or another rail passenger carrier is an appli-
15 cant under this section, Amtrak or the other rail
16 passenger carrier, as applicable, may use ticket and
17 other revenues generated from its operations and
18 other sources to satisfy the non-Federal share re-
19 quirements.

20 “(h) LETTERS OF INTENT.—

21 “(1) IN GENERAL.—The Secretary may issue a
22 letter of intent to a grantee under this section
23 that—

24 “(A) announces an intention to obligate,
25 for a major capital project under this section,

1 an amount from future available budget author-
2 ity specified in law that is not more than the
3 amount stipulated as the financial participation
4 of the Secretary in the project; and

5 “(B) states that the contingent commit-
6 ment—

7 “(i) is not an obligation of the Fed-
8 eral Government; and

9 “(ii) is subject to the availability of
10 appropriations under Federal law and to
11 Federal laws in force or enacted after the
12 date of the contingent commitment.

13 “(2) CONGRESSIONAL NOTIFICATION.—

14 “(A) IN GENERAL.—Not later than 30
15 days before issuing a letter under paragraph
16 (1), the Secretary shall submit written notifica-
17 tion to—

18 “(i) the Committee on Commerce,
19 Science, and Transportation of the Senate;

20 “(ii) the Committee on Appropriations
21 of the Senate;

22 “(iii) the Committee on Transpor-
23 tation and Infrastructure of the House of
24 Representatives; and

1 “(iv) the Committee on Appropria-
2 tions of the House of Representatives.

3 “(B) CONTENTS.—The notification sub-
4 mitted pursuant to subparagraph (A) shall in-
5 clude—

6 “(i) a copy of the proposed letter or
7 agreement;

8 “(ii) the criteria used under sub-
9 section (d) for selecting the project for a
10 grant award; and

11 “(iii) a description of how the project
12 meets such criteria.

13 “(3) APPROPRIATIONS REQUIRED.—An obliga-
14 tion or administrative commitment may be made
15 under this section only when amounts are appro-
16 priated for such purpose.

17 “(i) AVAILABILITY.—Amounts appropriated for car-
18 rying out this section shall remain available until ex-
19 pended.

20 “(j) GRANT CONDITIONS.—Except as specifically
21 provided in this section, the use of any amounts appro-
22 priated for grants under this section shall be subject to
23 the requirements under this chapter.”.

1 (b) CONFORMING AMENDMENT.—The table of con-
 2 tents for chapter 244 is amended by inserting after the
 3 item relating to section 24406 the following:

“24407. Federal-State partnership for state of good repair.”.

4 **SEC. 303. LARGE CAPITAL PROJECT REQUIREMENTS.**

5 Section 24402 is amended by adding at the end the
 6 following:

7 “(m) LARGE CAPITAL PROJECT REQUIREMENTS.—

8 “(1) IN GENERAL.—For a grant awarded under
 9 this chapter for an amount in excess of
 10 \$1,000,000,000, the following conditions shall apply:

11 “(A) The Secretary of Transportation may
 12 not obligate any funding unless the applicant
 13 demonstrates, to the satisfaction of the Sec-
 14 retary, that the applicant has committed, and
 15 will be able to fulfill, the non-Federal share re-
 16 quired for the grant within the applicant’s pro-
 17 posed project completion timetable.

18 “(B) The Secretary may not obligate any
 19 funding for work activities that occur after the
 20 completion of final design unless—

21 “(i) the applicant submits a financial
 22 plan to the Secretary that generally identi-
 23 fies the sources of the non-Federal funding
 24 required for any subsequent segments or
 25 phases of the corridor service development

1 program covering the project for which the
2 grant is awarded;

3 “(ii) the grant will result in a useable
4 segment, a transportation facility, or
5 equipment, that has operational independ-
6 ence or is financially sustainable; and

7 “(iii) the intercity passenger rail bene-
8 fits anticipated to result from the grant,
9 such as increased speed, improved on-time
10 performance, reduced trip time, increased
11 frequencies, new service, safety improve-
12 ments, improved accessibility, or other sig-
13 nificant enhancements, are detailed by the
14 grantee and approved by the Secretary.

15 “(C)(i) The Secretary shall ensure that the
16 project is maintained to the level of utility that
17 is necessary to support the benefits approved
18 under subparagraph (B)(iii) for a period of 20
19 years from the date on which the useable seg-
20 ment, transportation facility, or equipment de-
21 scribed in subparagraph (B)(ii) is placed in
22 service.

23 “(ii) If the project property is not main-
24 tained as required under clause (i) for a 12-
25 month period, the grant recipient shall refund

1 a pro-rata share of the Federal contribution,
2 based upon the percentage remaining of the 20-
3 year period that commenced when the project
4 property was placed in service.

5 “(2) EARLY WORK.—The Secretary may allow a
6 grantee subject to this subsection to engage in at-
7 risk work activities subsequent to the conclusion of
8 final design if the Secretary determines that such
9 work activities are reasonable and necessary.”.

10 **SEC. 304. SMALL BUSINESS PARTICIPATION STUDY.**

11 (a) STUDY.—The Secretary shall conduct a nation-
12 wide disparity and availability study on the availability
13 and use of small business concerns owned and controlled
14 by socially and economically disadvantaged individuals and
15 veteran-owned small businesses in publicly funded inter-
16 city passenger rail service projects.

17 (b) REPORT.—Not later than 4 years after the date
18 of enactment of this Act, the Secretary shall submit a re-
19 port containing the results of the study conducted under
20 subsection (a) to the Committee on Commerce, Science,
21 and Transportation of the Senate and the Committee on
22 Transportation and Infrastructure of the House of Rep-
23 resentatives.

24 (c) DEFINITIONS.—In this section:

1 (1) SMALL BUSINESS CONCERN.—The term
2 “small business concern” has the meaning given
3 such term in section 3 of the Small Business Act
4 (15 U.S.C. 632), except that the term does not in-
5 clude any concern or group of concerns controlled by
6 the same socially and economically disadvantaged in-
7 dividual or individuals that have average annual
8 gross receipts during the preceding 3 fiscal years in
9 excess of \$22,410,000, as adjusted annually by the
10 Secretary for inflation.

11 (2) SOCIALLY AND ECONOMICALLY DISADVAN-
12 TAGED INDIVIDUAL.—The term “socially and eco-
13 nomically disadvantaged individual” has the mean-
14 ing given such term in section 8(d) of the Small
15 Business Act (15 U.S.C. 637(d)) and relevant sub-
16 contracting regulations issued pursuant to such Act,
17 except that women shall be presumed to be socially
18 and economically disadvantaged individuals for pur-
19 poses of this section.

20 (3) VETERAN-OWNED SMALL BUSINESS.—The
21 term “veteran-owned small business” has the mean-
22 ing given the term “small business concern owned
23 and controlled by veterans” in section 3(q)(3) of the
24 Small Business Act (15 U.S.C. 632(q)(3)), except
25 that the term does not include any concern or group

1 of concerns controlled by the same veterans that
2 have average annual gross receipts during the pre-
3 ceding 3 fiscal years in excess of \$22,410,000, as
4 adjusted annually by the Secretary for inflation.

5 **SEC. 305. GULF COAST RAIL SERVICE WORKING GROUP.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of enactment of this Act, the Secretary shall convene
8 a working group to evaluate the restoration of intercity
9 rail passenger service in the Gulf Coast region between
10 New Orleans, Louisiana, and Orlando, Florida.

11 (b) MEMBERSHIP.—The working group convened
12 pursuant to subsection (a) shall consist of representatives
13 of—

14 (1) the Federal Railroad Administration, which
15 shall serve as chair of the working group;

16 (2) Amtrak;

17 (3) the States along the proposed route or
18 routes;

19 (4) regional transportation planning organiza-
20 tions and metropolitan planning organizations, mu-
21 nicipalities, and communities along the proposed
22 route or routes, which shall be selected by the Ad-
23 ministrator;

24 (5) the Southern Rail Commission;

1 (6) freight railroad carriers whose tracks may
2 be used for such service; and

3 (7) other entities determined appropriate by the
4 Secretary, which may include independent passenger
5 rail operators that express an interest in Gulf Coast
6 service.

7 (c) RESPONSIBILITIES.—The working group shall—

8 (1) evaluate all options for restoring intercity
9 rail passenger service in the Gulf Coast region, in-
10 cluding options outlined in the report transmitted to
11 Congress pursuant to section 226 of the Passenger
12 Rail Investment and Improvement Act of 2008 (divi-
13 sion B of Public Law 110–432);

14 (2) select a preferred option for restoring such
15 service;

16 (3) develop a prioritized inventory of capital
17 projects and other actions required to restore such
18 service and cost estimates for such projects or ac-
19 tions; and

20 (4) identify Federal and non-Federal funding
21 sources required to restore such service, including
22 options for entering into public-private partnerships
23 to restore such service.

24 (d) REPORT.—Not later than 9 months after the date
25 of enactment of this Act, the working group shall submit

1 a report to the Committee on Commerce, Science, and
2 Transportation of the Senate and the Committee on
3 Transportation and Infrastructure of the House of Rep-
4 resentatives that includes—

5 (1) the preferred option selected under sub-
6 section (c)(2) and the reasons for selecting such op-
7 tion;

8 (2) the information described in subsection
9 (c)(3);

10 (3) the funding sources identified under sub-
11 section (c)(4);

12 (4) the costs and benefits of restoring intercity
13 rail passenger transportation in the region; and

14 (5) any other information the working group
15 determines appropriate.

16 **SEC. 306. INTEGRATED PASSENGER RAIL WORKING GROUP.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of enactment of this Act, the Secretary shall convene
19 a working group to review issues relating to—

20 (1) the potential operation of State-supported
21 routes by rail passenger carriers other than Amtrak;
22 and

23 (2) their role in establishing an integrated
24 intercity passenger rail network in the United
25 States.

1 (b) MEMBERSHIP.—The working group shall consist
2 of a balanced representation of—

3 (1) the Federal Railroad Administration, who
4 shall chair the Working Group;

5 (2) States that fund State-sponsored routes;

6 (3) independent passenger rail operators, in-
7 cluding those that carry at least 5,000,000 pas-
8 sengers annually in United States or international
9 rail service;

10 (4) Amtrak;

11 (5) railroads that host intercity State-supported
12 routes;

13 (6) employee representatives from railroad
14 unions and building trade unions with substantial
15 engagement in railroad rights of way construction
16 and maintenance; and

17 (7) other entities determined appropriate by the
18 Secretary.

19 (c) RESPONSIBILITIES.—The working group shall
20 evaluate options for improving State-supported routes and
21 may make recommendations, as appropriate, regarding—

22 (1) best practices for State or State authority
23 governance of State-supported routes;

24 (2) future sources of Federal and non-Federal
25 funding sources for State-supported routes;

1 (3) best practices in obtaining passenger rail
2 operations and services on a competitive basis with
3 the objective of creating the highest quality service
4 at the lowest cost to the taxpayer;

5 (4) ensuring potential interoperability of State-
6 supported routes as a part of a national network
7 with multiple providers providing integrated services
8 including ticketing, scheduling, and route planning;
9 and

10 (5) the interface between State-supported
11 routes and connecting commuter rail operations, in-
12 cluding maximized intra-modal and intermodal con-
13 nections and common sources of funding for capital
14 projects.

15 (d) MEETINGS.—Not later than 60 days after the es-
16 tablishment of the working group by the Secretary under
17 subsection (a), the working group shall convene an organi-
18 zational meeting outside of the District of Columbia and
19 shall define the rules and procedures governing the pro-
20 ceedings of the working group. The working group shall
21 hold at least 3 meetings per year in States that fund
22 State-supported routes.

23 (e) REPORTS.—

24 (1) PRELIMINARY REPORT.—Not later than 1
25 year after the date the working group is established,

1 the working group shall submit a preliminary report
2 to the Secretary, the Governors of States funding
3 State-supported routes, the Committee on Com-
4 merce, Science, and Transportation of the Senate,
5 and the Committee on Transportation and Infra-
6 structure of the House of Representatives that in-
7 cludes—

8 (A) administrative recommendations that
9 can be implemented by a State and State au-
10 thority or by the Secretary; and

11 (B) preliminary legislative recommenda-
12 tions.

13 (2) FINAL LEGISLATIVE RECOMMENDATIONS.—
14 Not later than 2 years after the date the working
15 group is established, the working group shall submit
16 a report to the Committee on Commerce, Science,
17 and Transportation of the Senate and the Com-
18 mittee on Transportation and Infrastructure of the
19 House of Representatives that includes final legisla-
20 tive recommendations.

21 **SEC. 307. SHARED-USE STUDY.**

22 (a) IN GENERAL.—Not later than 3 years after the
23 date of enactment of this Act, the Secretary, in consulta-
24 tion with Amtrak, commuter rail authorities, and other
25 passenger rail operators, railroad carriers that own rail

1 infrastructure over which both passenger and freight
2 trains operate, States, the Surface Transportation Board,
3 the Northeast Corridor Commission established under sec-
4 tion 24905, the State-Supported Route Committee estab-
5 lished under section 24712, and groups representing rail
6 passengers and customers, as appropriate, shall complete
7 a study that evaluates—

8 (1) the shared use of right-of-way by passenger
9 and freight rail systems; and

10 (2) the operational, institutional, and legal
11 structures that would best support improvements to
12 the systems referred to in paragraph (1).

13 (b) AREAS OF STUDY.—In conducting the study
14 under subsection (a), the Secretary shall evaluate—

15 (1) the access and use of railroad right-of-way
16 by a rail carrier that does not own the right-of-way,
17 such as passenger rail services that operate over pri-
18 vately-owned right-of-way, including an analysis of—

19 (A) access agreements;

20 (B) costs of access; and

21 (C) the resolution of disputes relating to
22 such access or costs;

23 (2) the effectiveness of existing contractual,
24 statutory, and regulatory mechanisms for estab-

1 lishing, measuring, and enforcing train performance
2 standards, including—

3 (A) the manner in which passenger train
4 delays are recorded;

5 (B) the assignment of responsibility for
6 such delays; and

7 (C) the use of incentives and penalties for
8 performance;

9 (3) strengths and weaknesses in the existing
10 mechanisms described in paragraph (2) and possible
11 approaches to address the weaknesses;

12 (4) mechanisms for measuring and maintaining
13 public benefits resulting from publicly funded freight
14 or passenger rail improvements, including improve-
15 ments directed towards shared-use right-of-way by
16 passenger and freight rail;

17 (5) approaches to operations, capacity, and cost
18 estimation modeling that—

19 (A) allows for transparent decisionmaking;
20 and

21 (B) protects the proprietary interests of all
22 parties;

23 (6) liability requirements and arrangements, in-
24 cluding—

1 (A) whether to expand statutory liability
2 limits to additional parties;

3 (B) whether to revise the current statutory
4 liability limits;

5 (C) whether current insurance levels of
6 passenger rail operators are adequate and
7 whether to establish minimum insurance re-
8 quirements for such passenger rail operators;
9 and

10 (D) whether to establish a liability regime
11 modeled after section 170 of the Atomic Energy
12 Act of 1954 (42 U.S.C. 2210);

13 (7) the effect on rail passenger services, oper-
14 ations, liability limits and insurance levels of the as-
15 sertion of sovereign immunity by a State; and

16 (8) other issues identified by the Secretary.

17 (c) REPORT.—Not later than 60 days after the study
18 under subsection (a) is complete, the Secretary shall sub-
19 mit to the Committee on Commerce, Science, and Trans-
20 portation of the Senate and the Committee on Transpor-
21 tation and Infrastructure of the House of Representatives
22 a report that includes—

23 (1) the results of the study; and

1 (2) any recommendations for further action, in-
2 cluding any legislative proposals consistent with such
3 recommendations.

4 (d) IMPLEMENTATION.—The Secretary shall inte-
5 grate the recommendations submitted under subsection (c)
6 into its financial assistance programs under subtitle V of
7 title 49, United States Code, and section 502 of the Rail-
8 road Revitalization and Regulatory Reform Act of 1976
9 (45 U.S.C. 822), as appropriate.

10 **SEC. 308. NORTHEAST CORRIDOR COMMISSION.**

11 (a) COMPOSITION.—Section 24905(a) is amended—

12 (1) in paragraph (1)—

13 (A) in the matter preceding subparagraph
14 (A), by inserting “, infrastructure investments,”
15 after “rail operations”;

16 (B) by amending subparagraph (B) to read
17 as follows:

18 “(B) members representing the Department of
19 Transportation, including the Office of the Sec-
20 retary, the Federal Railroad Administration, and the
21 Federal Transit Administration;”; and

22 (C) in subparagraph (D) by inserting “and
23 commuter” after “freight”; and

24 (2) by amending paragraph (6) to read as fol-
25 lows:

1 “(6) The members of the Commission shall
2 elect co-chairs consisting of 1 member described in
3 paragraph (1)(B) and 1 member described in para-
4 graph (1)(C).”.

5 (b) STATEMENT OF GOALS AND RECOMMENDA-
6 TIONS.—Section 24905(b) is amended—

7 (1) in paragraph (1), by inserting “and periodi-
8 cally update” after “develop”;

9 (2) in paragraph (2)(A), by striking “beyond
10 those specified in the state of good repair plan under
11 section 211 of the Passenger Rail Investment and
12 Improvement Act of 2008”; and

13 (3) by adding at the end the following:

14 “(3) SUBMISSION OF STATEMENT OF GOALS,
15 RECOMMENDATIONS, AND PERFORMANCE RE-
16 PORTS.—The Commission shall submit to the Com-
17 mittee on Commerce, Science, and Transportation of
18 the Senate and the Committee on Transportation
19 and Infrastructure of the House of Representa-
20 tives—

21 “(A) any updates made to the statement of
22 goals developed under paragraph (1) not later
23 than 60 days after such updates are made; and

24 “(B) annual performance reports and rec-
25 ommendations for improvements, as appro-

1 priate, issued not later than March 31 of each
 2 year, for the prior fiscal year, which summa-
 3 rize—

4 “(i) the operations and performance
 5 of commuter, intercity, and freight rail
 6 transportation along the Northeast Cor-
 7 ridor; and

8 “(ii) the delivery of the capital plan
 9 described in section 24904.”.

10 (c) COST ALLOCATION POLICY.—Section 24905(c) is
 11 amended—

12 (1) in the subsection heading, by striking “AC-
 13 CESS COSTS” and inserting “ALLOCATION OF
 14 COSTS”;

15 (2) in paragraph (1)—

16 (A) in the paragraph heading, by striking
 17 “FORMULA” and inserting “POLICY”;

18 (B) in the matter preceding subparagraph
 19 (A), by striking “Within 2 years after the date
 20 of enactment of the Passenger Rail Investment
 21 and Improvement Act of 2008, the Commis-
 22 sion” and inserting “The Commission”;

23 (C) in subparagraph (A), by striking “for-
 24 mula” and inserting “policy”; and

1 (D) by striking subparagraph (B) through
2 (D) and inserting the following:

3 “(B) develop a proposed timetable for im-
4 plementing the policy;

5 “(C) submit the policy and timetable devel-
6 oped under subparagraph (B) to the Surface
7 Transportation Board, the Committee on Com-
8 merce, Science, and Transportation of the Sen-
9 ate, and the Committee on Transportation and
10 Infrastructure of the House of Representatives;

11 “(D) not later than October 1, 2015, adopt
12 and implement the policy in accordance with
13 the timetable; and

14 “(E) with the consent of a majority of its
15 members, the Commission may petition the
16 Surface Transportation Board to appoint a me-
17 diator to assist the Commission members
18 through nonbinding mediation to reach an
19 agreement under this section.”;

20 (3) in paragraph (2)—

21 (A) by striking “formula proposed in” and
22 inserting “policy developed under”; and

23 (B) in the second sentence—

24 (i) by striking “the timetable, the
25 Commission shall petition the Surface

1 Transportation Board to” and inserting
2 “paragraph (1)(D) or fail to comply with
3 the policy thereafter, the Surface Trans-
4 portation Board shall”; and

5 (ii) by striking “amounts for such
6 services in accordance with section
7 24904(c) of this title” and inserting “for
8 such usage in accordance with the proce-
9 dures and procedural schedule applicable
10 to a proceeding under section 24903(c),
11 after taking into consideration the policy
12 developed under paragraph (1)(A), as ap-
13 plicable”;

14 (4) in paragraph (3), by striking “formula” and
15 inserting “policy”; and

16 (5) by adding at the end the following:

17 “(4) REQUEST FOR DISPUTE RESOLUTION.—If
18 a dispute arises with the implementation of, or com-
19 pliance with, the policy developed under paragraph
20 (1), the Commission, Amtrak, or public authorities
21 providing commuter rail passenger transportation on
22 the Northeast Corridor may request that the Surface
23 Transportation Board conduct dispute resolution.
24 The Surface Transportation Board shall establish
25 procedures for resolution of disputes brought before

1 it under this paragraph, which may include the pro-
2 vision of professional mediation services.”.

3 (d) CONFORMING AMENDMENTS.—Section 24905 is
4 amended—

5 (1) by striking subsection (d);

6 (2) by redesignating subsections (e) and (f) as
7 subsections (d) and (e), respectively;

8 (3) in subsection (d), as redesignated, by strik-
9 ing “to the Commission such sums as may be nec-
10 essary for the period encompassing fiscal years 2009
11 through 2013 to carry out this section” and insert-
12 ing “to the Secretary for the use of the Commission
13 and the Northeast Corridor Safety Committee such
14 sums as may be necessary to carry out this section
15 during fiscal year 2016 through 2019, in addition to
16 amounts withheld under section 101(e) of the Rail-
17 road Reform, Enhancement, and Efficiency Act”;
18 and

19 (4) in subsection (e)(2), as redesignated, by
20 striking “on the main line.” and inserting “on the
21 main line and meet annually with the Commission
22 on the topic of Northeast Corridor safety and secu-
23 rity.”.

24 (e) NORTHEAST CORRIDOR PLANNING.—

25 (1) AMENDMENT.—Chapter 249 is amended—

1 (A) by redesignating section 24904 as sec-
2 tion 24903; and

3 (B) by inserting after section 24903, as re-
4 designated, the following:

5 **“§ 24904. Northeast Corridor planning**

6 “(a) NORTHEAST CORRIDOR CAPITAL INVESTMENT
7 PLAN.—

8 “(1) REQUIREMENT.—Not later than May 1 of
9 each year, the Northeast Corridor Commission es-
10 tablished under section 24905 (referred to in this
11 section as the ‘Commission’) shall—

12 “(A) develop a capital investment plan for
13 the Northeast Corridor main line between Bos-
14 ton, Massachusetts, and the Virginia Avenue
15 interlocking in the District of Columbia, and
16 the Northeast Corridor branch lines connecting
17 to Harrisburg, Pennsylvania, Springfield, Mas-
18 sachusetts, and Spuyten Duyvil, New York, in-
19 cluding the facilities and services used to oper-
20 ate and maintain those lines; and

21 “(B) submit the capital investment plan to
22 the Secretary of Transportation and the Com-
23 mittee on Commerce, Science, and Transpor-
24 tation of the Senate and the Committee on

1 Transportation and Infrastructure of the House
2 of Representatives.

3 “(2) CONTENTS.—The capital investment plan
4 shall—

5 “(A) reflect coordination and network opti-
6 mization across the entire Northeast Corridor;

7 “(B) integrate the individual capital and
8 service plans developed by each operator using
9 the methods described in the cost allocation pol-
10 icy developed under section 24905(c);

11 “(C) cover a period of 5 fiscal years, begin-
12 ning with the first fiscal year after the date on
13 which the plan is completed;

14 “(D) notwithstanding section 24902(b),
15 identify, prioritize, and phase the implementa-
16 tion of projects and programs to achieve the
17 service outcomes identified in the Northeast
18 Corridor service development plan and the asset
19 condition needs identified in the Northeast Cor-
20 ridor asset management plans, once available,
21 and consider—

22 “(i) the benefits and costs of capital
23 investments in the plan;

24 “(ii) project and program readiness;

25 “(iii) the operational impacts; and

1 “(iv) funding availability;

2 “(E) categorize capital projects and pro-
3 grams as primarily associated with;

4 “(i) normalized capital replacement
5 and basic infrastructure renewals;

6 “(ii) replacement or rehabilitation of
7 major Northeast Corridor infrastructure
8 assets, including tunnels, bridges, stations,
9 and other assets;

10 “(iii) statutory, regulatory, or other
11 legal mandates;

12 “(iv) improvements to support service
13 enhancements or growth; or

14 “(v) strategic initiatives that will im-
15 prove overall operational performance or
16 lower costs;

17 “(F) identify capital projects and pro-
18 grams that are associated with more than 1
19 category described in subparagraph (E);

20 “(G) describe the anticipated outcomes of
21 each project or program, including an assess-
22 ment of—

23 “(i) the potential effect on passenger
24 accessibility, operations, safety, reliability,
25 and resiliency;

1 “(ii) the ability of infrastructure own-
2 ers and operators to meet regulatory re-
3 quirements if the project or program is not
4 funded; and

5 “(iii) the benefits and costs; and

6 “(H) include a financial plan.

7 “(3) FINANCIAL PLAN.—The financial plan
8 under paragraph (2)(H) shall—

9 “(A) identify funding sources and financ-
10 ing methods;

11 “(B) identify the expected allocated shares
12 of costs pursuant to/using the cost allocation
13 policy developed under section 24905(c);

14 “(C) identify the projects and programs
15 that the Commission expects will receive Fed-
16 eral financial assistance; and

17 “(D) identify the eligible entity or entities
18 that the Commission expects will receive the
19 Federal financial assistance described under
20 subparagraph (C).

21 “(b) FAILURE TO DEVELOP A CAPITAL INVESTMENT
22 PLAN.—If a capital investment plan has not been devel-
23 oped by the Commission for a given fiscal year, then the
24 funds assigned to the account established under section
25 24319(b) for that fiscal year may be spent only on—

1 “(1) capital projects described in clause (i) or
2 (iii) of subsection (a)(2)(E) of this section; or

3 “(2) capital projects described in subsection
4 (a)(2)(E)(iv) of this section that are for the sole
5 benefit of Amtrak.

6 “(c) NORTHEAST CORRIDOR ASSET MANAGE-
7 MENT.—

8 “(1) CONTENTS.—With regard to its infrastruc-
9 ture, Amtrak and each State and public transpor-
10 tation entity that owns infrastructure that supports
11 or provides for intercity rail passenger transpor-
12 tation on the Northeast Corridor shall develop an
13 asset management system and develop and update,
14 as necessary, a Northeast Corridor asset manage-
15 ment plan for each service territory described in sub-
16 section (a) that—

17 “(A) are consistent with the Federal Tran-
18 sit Administration process, as authorized under
19 section 5326, when implemented; and

20 “(B) include, at a minimum—

21 “(i) an inventory of all capital assets
22 owned by the developer of the asset man-
23 agement plan;

24 “(ii) an assessment of asset condition;

1 “(iii) a description of the resources
2 and processes necessary to bring or main-
3 tain those assets in a state of good repair,
4 including decision-support tools and invest-
5 ment prioritization methods; and

6 “(iv) a description of changes in asset
7 condition since the previous version of the
8 plan.

9 “(2) TRANSMITTAL.—Each entity described in
10 paragraph (1) shall transmit to the Commission—

11 “(A) not later than 2 years after the date
12 of enactment of the Railroad Reform, Enhance-
13 ment, and Efficiency Act, its Northeast Cor-
14 ridor asset management plan developed under
15 paragraph (1); and

16 “(B) at least biennial thereafter, an update
17 to its Northeast Corridor asset management
18 plan.

19 “(d) NORTHEAST CORRIDOR SERVICE DEVELOP-
20 MENT PLAN UPDATES.—Not less frequently than once
21 every 10 years, the Commission shall update the North-
22 east Corridor service development plan.”.

23 (2) CONFORMING AMENDMENTS.—

24 (A) NOTE AND MORTGAGE.—Section
25 24907(a) is amended by striking “section

1 24904 of this title” and inserting “section
2 24903”.

3 (B) TABLE OF CONTENTS AMENDMENT.—

4 The table of contents for chapter 249 is amend-
5 ed—

6 (i) by redesignating the item relating
7 to section 24904 as relating to section
8 24903; and

9 (ii) by inserting after the item relating
10 to section 24903, as redesignated, the fol-
11 lowing:

“24904. Northeast Corridor planning.”.

12 (3) REPEAL.—Section 211 of the Passenger
13 Rail Investment and Improvement Act of 2008 (divi-
14 sion B of Public Law 110–432; 49 U.S.C. 24902
15 note) is repealed.

16 **SEC. 309. NORTHEAST CORRIDOR THROUGH-TICKETING**
17 **AND PROCUREMENT EFFICIENCIES.**

18 (a) THROUGH-TICKETING STUDY.—

19 (1) IN GENERAL.—Not later than 3 years after
20 the date of enactment of this Act, the Northeast
21 Corridor Commission established under section
22 24905(a) of title 49, United States Code (referred to
23 in this section as the “Commission”), in consultation
24 with Amtrak and the commuter rail passenger trans-
25 portation providers along the Northeast Corridor

1 shall complete a study on the feasibility of and op-
2 tions for permitting through-ticketing between Am-
3 trak service and commuter rail services on the
4 Northeast Corridor.

5 (2) CONTENTS.—In completing the study under
6 paragraph (1), the Northeast Corridor Commission
7 shall—

8 (A) examine the current state of intercity
9 and commuter rail ticketing technologies, poli-
10 cies, and other relevant aspects on the North-
11 east Corridor;

12 (B) consider and recommend technology,
13 process, policy, or other options that would per-
14 mit through-ticketing to allow intercity and
15 commuter rail passengers to purchase, in a sin-
16 gle transaction, travel that utilizes Amtrak and
17 connecting commuter rail services;

18 (C) consider options to expand through-
19 ticketing to include local transit services;

20 (D) summarize costs, benefits, opportuni-
21 ties, and impediments to developing such
22 through-ticketing options; and

23 (E) develop a proposed methodology, in-
24 cluding cost and schedule estimates, for car-

1 rying out a pilot program on through-ticketing
2 on the Northeast Corridor.

3 (3) REPORT.—Not later than 60 days after the
4 date the study under paragraph (1) is complete, the
5 Commission shall submit to the Committee on Com-
6 merce, Science, and Transportation of the Senate
7 and the Committee on Transportation and Infra-
8 structure of the House of Representatives a report
9 that includes—

10 (A) the results of the study; and

11 (B) any recommendations for further ac-
12 tion.

13 (b) JOINT PROCUREMENT STUDY.—

14 (1) IN GENERAL.—Not later than 3 years after
15 the date of enactment of this Act, the Secretary, in
16 cooperation with the Commission, Amtrak, and com-
17 muter rail transportation authorities on the North-
18 east Corridor shall complete a study of the potential
19 benefits resulting from Amtrak and such authorities
20 undertaking select joint procurements for common
21 materials, assets, and equipment when expending
22 Federal funds for such purchases.

23 (2) CONTENTS.—In completing the study under
24 paragraph (1), the Secretary shall consider—

1 (A) the types of materials, assets, and
2 equipment that are regularly purchased by Am-
3 trak and such authorities that are similar and
4 could be jointly procured;

5 (B) the potential benefits of such joint pro-
6 curements, including lower procurement costs,
7 better pricing, greater market relevancy, and
8 other efficiencies;

9 (C) the potential costs of such joint pro-
10 curements;

11 (D) any significant impediments to under-
12 taking joint procurements, including any nec-
13 essary harmonization and reconciliation of Fed-
14 eral and State procurement or safety regula-
15 tions or standards and other requirements; and

16 (E) whether to create Federal incentives or
17 requirements relating to considering or carrying
18 out joint procurements when expending Federal
19 funds.

20 (3) TRANSMISSION.—Not later than 60 days
21 after completing the study required under this sub-
22 section, the Secretary shall submit to the Committee
23 on Commerce, Science, and Transportation of the
24 Senate and the Committee on Transportation and

1 Infrastructure of the House of Representatives a re-
2 port that includes—

3 (A) the results of the study; and

4 (B) any recommendations for further ac-
5 tion.

6 (c) NORTHEAST CORRIDOR.—In this section, the
7 term “Northeast Corridor” means the Northeast Corridor
8 main line between Boston, Massachusetts, and the Vir-
9 ginia Avenue interlocking in the District of Columbia, and
10 the Northeast Corridor branch lines connecting to Harris-
11 burg, Pennsylvania, Springfield, Massachusetts, and
12 Spuyten Duyvil, New York, including the facilities and
13 services used to operate and maintain those lines.

14 **SEC. 310. DATA AND ANALYSIS.**

15 (a) DATA.—Not later than 3 years after the date of
16 enactment of this Act, the Secretary, in consultation with
17 the Surface Transportation Board, Amtrak, freight rail-
18 roads, State and local governments, and regional business,
19 tourism and economic development agencies shall conduct
20 a data needs assessment—

21 (1) to support the development of an efficient
22 and effective intercity passenger rail network;

23 (2) to identify the data needed to conduct cost-
24 effective modeling and analysis for intercity pas-
25 senger rail development programs;

1 (3) to determine limitations to the data used
2 for inputs;

3 (4) to develop a strategy to address such limita-
4 tions;

5 (5) to identify barriers to accessing existing
6 data;

7 (6) to develop recommendations regarding
8 whether the authorization of additional data collec-
9 tion for intercity passenger rail travel is warranted;
10 and

11 (7) to determine which entities will be respon-
12 sible for generating or collecting needed data.

13 (b) BENEFIT-COST ANALYSIS.—Not later than 180
14 days after the date of enactment of this Act, the Secretary
15 shall enhance the usefulness of assessments of benefits
16 and costs, for intercity passenger rail and freight rail
17 projects—

18 (1) by providing ongoing guidance and training
19 on developing benefit and cost information for rail
20 projects;

21 (2) by providing more direct and consistent re-
22 quirements for assessing benefits and costs across
23 transportation funding programs, including the ap-
24 propriate use of discount rates;

1 (3) by requiring applicants to clearly commu-
2 nicate the methodology used to calculate the project
3 benefits and costs, including non-proprietary infor-
4 mation on—

5 (A) assumptions underlying calculations;

6 (B) strengths and limitations of data used;

7 and

8 (C) the level of uncertainty in estimates of
9 project benefits and costs; and

10 (4) by ensuring that applicants receive clear
11 and consistent guidance on values to apply for key
12 assumptions used to estimate potential project bene-
13 fits and costs.

14 (c) **CONFIDENTIAL DATA.**—The Secretary shall pro-
15 tect sensitive or confidential to the greatest extent per-
16 mitted by law. Nothing in this section shall require any
17 entity to provide information to the Secretary in the ab-
18 sence of a voluntary agreement.

19 **SEC. 311. DISASTER RELIEF.**

20 (a) **MAJOR DISASTER ASSISTANCE PROGRAMS.**—Sec-
21 tion 406(a) of the Robert T. Stafford Disaster Relief and
22 Emergency Assistance Act (42 U.S.C. 5172(a)) is amend-
23 ed—

24 (1) in paragraph (1)—

1 (A) in subparagraph (A), by striking
2 “and” at the end;

3 (B) in subparagraph (B), by striking the
4 period at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(C) to entities that receive Federal Gov-
7 ernment grants to provide critical services for
8 the repair, restoration, reconstruction, or re-
9 placement of infrastructure, facilities, and
10 equipment that—

11 “(i) are owned or operated for the
12 purposes of providing critical services; and

13 “(ii) are damaged or destroyed by a
14 major disaster.”; and

15 (2) in paragraph (3)(B)—

16 (A) by striking “this paragraph” and in-
17 serting “this subsection”; and

18 (B) by inserting “transportation,” after
19 “education.”.

20 (b) DEBRIS REMOVAL.—Section 407(a)(2) of such
21 Act (42 U.S.C. 5173(a)(2)) is amended by inserting “enti-
22 ty that receives Federal Government grants to provide
23 critical services (as defined in section 5172(a)(3)(B))”
24 after “government”.

1 **SEC. 312. PERFORMANCE-BASED PROPOSALS.**

2 (a) SOLICITATION OF PROPOSALS.—

3 (1) IN GENERAL.—Not later than 30 days after
4 the date of enactment of this Act, the Secretary
5 shall issue a request for proposals for projects for
6 the financing, design, construction, operation, and
7 maintenance of an intercity passenger rail system,
8 including—

9 (A) the Northeast Corridor;

10 (B) the California Corridor;

11 (C) the Empire Corridor;

12 (D) the Pacific Northwest Corridor;

13 (E) the South Central Corridor;

14 (F) the Gulf Coast Corridor;

15 (G) the Chicago Hub Network;

16 (H) the Florida Corridor;

17 (I) the Keystone Corridor;

18 (J) the Northern New England Corridor;

19 and

20 (K) the Southeast Corridor.

21 (2) SUBMISSION.—Proposals shall be submitted
22 to the Secretary not later than 180 days after the
23 publication of such request for proposals under para-
24 graph (1).

25 (3) PERFORMANCE STANDARD.—Proposals sub-
26 mitted under paragraph (2) shall meet any stand-

1 ards established by the Secretary. For corridors with
2 existing intercity passenger rail service, proposals
3 shall also be designed to achieve a reduction of exist-
4 ing minimum intercity rail service trip times between
5 the main corridor city pairs by a minimum of 25
6 percent. In the case of a proposal submitted with re-
7 spect to paragraph (1)(A), the proposal shall be de-
8 signed to achieve a 2-hour or less express service be-
9 tween Washington, District of Columbia, and New
10 York City, New York.

11 (4) CONTENTS.—A proposal submitted under
12 this subsection shall include—

13 (A) the names and qualifications of the
14 persons submitting the proposal and the entities
15 proposed to finance, design, construct, operate,
16 and maintain the railroad, railroad equipment,
17 and related facilities, stations, and infrastruc-
18 ture;

19 (B) a detailed description of the proposed
20 rail service, including possible routes, required
21 infrastructure investments and improvements,
22 equipment needs and type, train frequencies,
23 peak and average operating speeds, and trip
24 times;

1 (C) a description of how the project would
2 comply with all applicable Federal rail safety
3 and security laws, orders, and regulations;

4 (D) the locations of proposed stations,
5 which maximize the usage of existing infra-
6 structure to the extent possible, and the popu-
7 lations such stations are intended to serve;

8 (E) the type of equipment to be used, in-
9 cluding any technologies, to achieve trip time
10 goals;

11 (F) a description of any proposed legisla-
12 tion needed to facilitate all aspects of the
13 project;

14 (G) a financing plan identifying—

15 (i) projected revenue, and sources
16 thereof;

17 (ii) the amount of any requested pub-
18 lic contribution toward the project, and
19 proposed sources;

20 (iii) projected annual ridership projec-
21 tions for the first 10 years of operations;

22 (iv) annual operations and capital
23 costs;

24 (v) the projected levels of capital in-
25 vestments required both initially and in

1 subsequent years to maintain a state-of-
2 good-repair necessary to provide the ini-
3 tially proposed level of service or higher
4 levels of service;

5 (vi) projected levels of private invest-
6 ment and sources thereof, including the
7 identity of any person or entity that has
8 made or is expected to make a commit-
9 ment to provide or secure funding and the
10 amount of such commitment; and

11 (vii) projected funding for the full fair
12 market compensation for any asset, prop-
13 erty right or interest, or service acquired
14 from, owned, or held by a private person or
15 Federal entity that would be acquired, im-
16 paired, or diminished in value as a result
17 of a project, except as otherwise agreed to
18 by the private person or entity;

19 (H) a description of how the project would
20 contribute to the development of the intercity
21 passenger rail system and an intermodal plan
22 describing how the system will facilitate conven-
23 ient travel connections with other transpor-
24 tation services;

1 (I) a description of how the project will en-
2 sure compliance with Federal laws governing
3 the rights and status of employees associated
4 with the route and service, including those spec-
5 ified in section 24405 of title 49, United States
6 Code;

7 (J) a description of how the design, con-
8 struction, implementation, and operation of the
9 project will accommodate and allow for future
10 growth of existing and projected intercity, com-
11 muter, and freight rail service;

12 (K) a description of how the project would
13 comply with Federal and State environmental
14 laws and regulations, of what environmental im-
15 pacts would result from the project, and of how
16 any adverse impacts would be mitigated; and

17 (L) a description of the project's impacts
18 on highway and aviation congestion, energy
19 consumption, land use, and economic develop-
20 ment in the service area.

21 (b) DETERMINATION AND ESTABLISHMENT OF COM-
22 MISSIONS.—Not later than 90 days after receipt of the
23 proposals under subsection (a), the Secretary shall—

24 (1) make a determination as to whether any
25 such proposals—

1 (A) contain the information required under
2 paragraphs (3) and (4) of subsection (a);

3 (B) are sufficiently credible to warrant fur-
4 ther consideration;

5 (C) are likely to result in a positive impact
6 on the Nation's transportation system; and

7 (D) are cost-effective and in the public in-
8 terest;

9 (2) establish a commission under subsection (c)
10 for each corridor with 1 or more proposals that the
11 Secretary determines satisfy the requirements of
12 paragraph (1); and

13 (3) forward to each commission established
14 under paragraph (2) the applicable proposals for re-
15 view and consideration.

16 (c) COMMISSIONS.—

17 (1) MEMBERS.—Each commission established
18 under subsection (b)(2) shall include—

19 (A) the governors of the affected States, or
20 their respective designees;

21 (B) mayors of appropriate municipalities
22 with stops along the proposed corridor, or their
23 respective designees;

1 (C) a representative from each freight rail-
2 road carrier using the relevant corridor, if ap-
3 plicable;

4 (D) a representative from each transit au-
5 thority using the relevant corridor, if applicable;

6 (E) representatives of nonprofit employee
7 labor organizations representing affected rail-
8 road employees; and

9 (F) the President of Amtrak or his or her
10 designee.

11 (2) APPOINTMENT AND SELECTION.—The Sec-
12 retary shall appoint the members under paragraph
13 (1). In selecting each commission's members to ful-
14 fill the requirements under subparagraphs (B) and
15 (E) of paragraph (1), the Secretary shall consult
16 with the Chairperson and Ranking Member of the
17 Committee on Commerce, Science, and Transpor-
18 tation of the Senate and of the Committee on Trans-
19 portation and Infrastructure of the House of Rep-
20 resentatives.

21 (3) CHAIRPERSON AND VICE-CHAIRPERSON SE-
22 LECTION.—The Chairperson and Vice-Chairperson
23 shall be elected from among members of each com-
24 mission.

25 (4) QUORUM AND VACANCY.—

1 (A) QUORUM.—A majority of the members
2 of each commission shall constitute a quorum.

3 (B) VACANCY.—Any vacancy in each com-
4 mission shall not affect its powers and shall be
5 filled in the same manner in which the original
6 appointment was made.

7 (5) APPLICATION OF LAW.—Except where oth-
8 erwise provided by this section, the Federal Advisory
9 Committee Act (5 U.S.C. App.) shall apply to each
10 commission created under this section.

11 (d) COMMISSION CONSIDERATION.—

12 (1) IN GENERAL.—Each commission established
13 under subsection (b)(2) shall be responsible for re-
14 viewing the proposal or proposals forwarded to it
15 under that subsection and not later than 90 days
16 after the establishment of the commission, shall
17 transmit to the Secretary a report, including—

18 (A) a summary of each proposal received;

19 (B) services to be provided under each pro-
20 posal, including projected ridership, revenues,
21 and costs;

22 (C) proposed public and private contribu-
23 tions for each proposal;

24 (D) the advantages offered by the proposal
25 over existing intercity passenger rail services;

1 (E) public operating subsidies or assets
2 needed for the proposed project;

3 (F) possible risks to the public associated
4 with the proposal, including risks associated
5 with project financing, implementation, comple-
6 tion, safety, and security;

7 (G) a ranked list of the proposals rec-
8 ommended for further consideration under sub-
9 section (e) in accordance with each proposal's
10 projected positive impact on the Nation's trans-
11 portation system;

12 (H) an identification of any proposed Fed-
13 eral legislation that would facilitate implemen-
14 tation of the projects and Federal legislation
15 that would be required to implement the
16 projects; and

17 (I) any other recommendations by the com-
18 mission concerning the proposed projects.

19 (2) VERBAL PRESENTATION.—Proposers shall
20 be given an opportunity to make a verbal presen-
21 tation to the commission to explain their proposals.

22 (3) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated to the Sec-
24 retary for the use of each commission established

1 under subsection (b)(2) such sums as are necessary
2 to carry out this section.

3 (e) SELECTION BY SECRETARY.—

4 (1) IN GENERAL.—Not later than 60 days after
5 receiving the recommended proposals of the commis-
6 sions established under subsection (b)(2), the Sec-
7 retary shall—

8 (A) review such proposals and select any
9 proposal that provides substantial benefits to
10 the public and the national transportation sys-
11 tem, is cost-effective, offers significant advan-
12 tages over existing services, and meets other
13 relevant factors determined appropriate by the
14 Secretary; and

15 (B) submit to the Committee on Com-
16 merce, Science, and Transportation of the Sen-
17 ate and the Committee on Transportation and
18 Infrastructure of the House of Representatives
19 a report containing any proposal with respect to
20 subsection (a)(1)(A) that is selected by the Sec-
21 retary under subparagraph (A) of this para-
22 graph, all the information regarding the pro-
23 posal provided to the Secretary under sub-
24 section (d), and any other information the Sec-
25 retary considers relevant.

1 (2) SUBSEQUENT REPORT.—Following the sub-
2 mission of the report under paragraph (1)(B), the
3 Secretary shall submit to the Committee on Com-
4 merce, Science, and Transportation of the Senate
5 and the Committee on Transportation and Infra-
6 structure of the House of Representatives a report
7 containing any proposal with respect to subpara-
8 graphs (B) through (K) of subsection (a)(1) that are
9 selected by the Secretary under paragraph (1) of
10 this subsection, all the information regarding the
11 proposal provided to the Secretary under subsection
12 (d), and any other information the Secretary con-
13 siders relevant.

14 (3) LIMITATION ON REPORT SUBMISSION.—The
15 report required under paragraph (2) shall not be
16 submitted by the Secretary until the report sub-
17 mitted under paragraph (1)(B) has been considered
18 through a hearing by the Committee on Commerce,
19 Science, and Transportation of the Senate and the
20 Committee on Transportation and Infrastructure of
21 the House of Representatives on the report sub-
22 mitted under paragraph (1)(B).

23 (f) NO ACTIONS WITHOUT ADDITIONAL AUTHOR-
24 ITY.—No Federal agency may take any action to imple-
25 ment, establish, facilitate, or otherwise act upon any pro-

1 posal submitted under this section, other than those ac-
2 tions specifically authorized by this section, without ex-
3 plicit statutory authority enacted after the date of enact-
4 ment of this Act.

5 (g) DEFINITIONS.—In this section:

6 (1) INTERCITY PASSENGER RAIL.—The term
7 “intercity passenger rail” means intercity rail pas-
8 senger transportation as defined in section 24102 of
9 title 49, United States Code.

10 (2) STATE.—The term “State” means any of
11 the 50 States or the District of Columbia.

12 **SEC. 313. AMTRAK INSPECTOR GENERAL.**

13 (a) AUTHORITY.—

14 (1) IN GENERAL.—The Inspector General of
15 Amtrak shall have the authority available to other
16 Inspectors General, as necessary in carrying out the
17 duties specified in the Inspector General Act of 1978
18 (5 U.S.C. App.), to investigate any alleged violation
19 of sections 286, 287, 371, 641, 1001, 1002 and
20 1516 of title 18, United States Code.

21 (2) AGENCY.—For purposes of sections 286,
22 287, 371, 641, 1001, 1002, and 1516 of title 18,
23 United States Code, Amtrak and the Amtrak Office
24 of Inspector General, shall be considered a corpora-

1 tion in which the United States has a proprietary in-
2 terest as set forth in section 6 of that title.

3 (b) ASSESSMENT.—The Inspector General of Amtrak
4 shall—

5 (1) not later than 60 days after the date of en-
6 actment of this Act, initiate an assessment to deter-
7 mine whether current expenditures or procurements
8 involving Amtrak’s fulfillment of the Americans with
9 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)
10 utilize competitive, market-driven provisions that are
11 applicable throughout the entire term of such related
12 expenditures or procurements; and

13 (2) not later than 6 months after the date of
14 enactment of this Act, transmit to the Committee on
15 Commerce, Science, and Transportation of the Sen-
16 ate and the Committee on Transportation and Infra-
17 structure of the House of Representatives the as-
18 sessment under paragraph (1).

19 (c) LIMITATION.—The authority provided by sub-
20 sections (a) and (b) shall be effective only with respect
21 to a fiscal year for which Amtrak receives a Federal sub-
22 sidy.

23 **SEC. 314. MISCELLANEOUS PROVISIONS.**

24 (a) TITLE 49 AMENDMENTS.—

1 (1) CONTINGENT INTEREST RECOVERIES.—Sec-
2 tion 22106(b) is amended by striking “interest
3 thereof” and inserting “interest thereon”.

4 (2) AUTHORITY.—Section 22702(b)(4) is
5 amended by striking “5 years for reapproval by the
6 Secretary” and inserting “4 years for acceptance by
7 the Secretary”.

8 (3) CONTENTS OF STATE RAIL PLANS.—Section
9 22705(a) is amended by striking paragraph (12).

10 (4) MISSION.—Section 24101(b) is amended by
11 striking “of subsection (d)” and inserting “set forth
12 in subsection (c)”.

13 (5) TABLE OF CONTENTS AMENDMENT.—The
14 table of contents for chapter 243 is amended by
15 striking the item relating to section 24316 and in-
16 serting the following:

“24316. Plans to address the needs of families of passengers involved in rail
passenger accidents.”.

17 (6) UPDATE.—Section 24305(f)(3) is amended
18 by striking “\$1,000,000” and inserting
19 “\$5,000,000”.

20 (7) AMTRAK.—Chapter 247 is amended—

21 (A) in section 24702(a), by striking “not
22 included in the national rail passenger transpor-
23 tation system”;

24 (B) in section 24706—

1 (i) in subsection (a)—

2 (I) in paragraph (1), by striking
3 “a discontinuance under section
4 24704 or or”; and

5 (II) in paragraph (2), by striking
6 “section 24704 or”; and

7 (ii) in subsection (b), by striking “sec-
8 tion 24704 or”; and

9 (C) in section 24709, by striking “The
10 Secretary of the Treasury and the Attorney
11 General,” and inserting “The Secretary of
12 Homeland Security,”.

13 (b) PASSENGER RAIL INVESTMENT AND IMPROVE-
14 MENT ACT AMENDMENTS.—Section 305(a) of the Pas-
15 senger Rail Investment and Improvement Act of 2008 (49
16 U.S.C. 24101 note) is amended by inserting “nonprofit
17 organizations representing employees who perform over-
18 haul and maintenance of passenger railroad equipment,”
19 after “equipment manufacturers,”.

20 **TITLE IV—RAIL SAFETY**

21 **Subtitle A—Safety Improvement**

22 **SEC. 401. HIGHWAY-RAIL GRADE CROSSING SAFETY.**

23 (a) MODEL STATE HIGHWAY-RAIL GRADE CROSSING
24 ACTION PLAN.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary
3 shall develop a model of a State-specific highway-rail
4 grade crossing action plan and distribute the model
5 plan to each State.

6 (2) CONTENTS.—The plan developed under
7 paragraph (1) shall include—

8 (A) methodologies, tools, and data sources
9 for identifying and evaluating highway-rail
10 grade crossing safety risks;

11 (B) best practices to reduce the risk of
12 highway-rail grade crossing accidents or inci-
13 dents, including strategies for—

14 (i) education, including model stake-
15 holder engagement plans or tools;

16 (ii) engineering, including the benefits
17 and costs of different designs and tech-
18 nologies used to mitigate highway-rail
19 grade crossing safety risks; and

20 (iii) enforcement, including the
21 strengths and weaknesses associated with
22 different enforcement methods;

23 (C) for each State, a customized list and
24 data set of the highway-rail grade crossing acci-
25 dents or incidents in that State over the past 3

1 years, including the location, number of deaths,
2 and number of injuries for each accident or in-
3 cident; and

4 (D) contact information of a Department
5 of Transportation safety official available to as-
6 sist the State in adapting the model plan to sat-
7 isfy the requirements under subsection (b).

8 (b) STATE HIGHWAY-RAIL GRADE CROSSING ACTION
9 PLANS.—

10 (1) REQUIREMENTS.—Not later than 18
11 months after the Secretary develops and distributes
12 the model plan under subsection (a), the Secretary
13 shall promulgate a rule that requires—

14 (A) each State, except the 10 States iden-
15 tified under section 202 of the Rail Safety Im-
16 provement Act of 2008 (49 U.S.C. 22501 note),
17 to develop and implement a State highway-rail
18 grade crossing action plan; and

19 (B) each State that was identified under
20 section 202 of the Rail Safety Improvement Act
21 of 2008 (49 U.S.C. 22501 note), to update its
22 State action plan under that section and submit
23 to the Secretary the updated State action plan
24 and a report describing what the State did to
25 implement its previous State action plan under

1 that section and how it will continue to reduce
2 highway-rail grade crossing safety risks.

3 (2) CONTENTS.—Each State plan required
4 under this subsection shall—

5 (A) identify highway-rail grade crossings
6 that have experienced recent highway-rail grade
7 crossing accidents or incidents, or are at high-
8 risk for accidents or incidents;

9 (B) identify specific strategies for improv-
10 ing safety at highway-rail grade crossings, in-
11 cluding highway-rail grade crossing closures or
12 grade separations; and

13 (C) designate a State official responsible
14 for managing implementation of the State plan
15 under subparagraph (A) or (B) of paragraph
16 (1), as applicable.

17 (3) ASSISTANCE.—The Secretary shall provide
18 assistance to each State in developing and carrying
19 out, as appropriate, the State plan under this sub-
20 section.

21 (4) PUBLIC AVAILABILITY.—Each State shall
22 submit its final State plan under this subsection to
23 the Secretary for publication. The Secretary shall
24 make each approved State plan publicly available on
25 an official Internet Web site.

1 (5) CONDITIONS.—The Secretary may condition
2 the awarding of a grant to a State under chapter
3 244 of title 49, United States Code, on that State
4 submitting an acceptable State plan under this sub-
5 section.

6 (6) REVIEW OF ACTION PLANS.—Not later than
7 60 days after the date of receipt of a State plan
8 under this subsection, the Secretary shall—

9 (A) if the State plan is approved, notify
10 the State and publish the State plan under
11 paragraph (4); and

12 (B) if the State plan is incomplete or defi-
13 cient, notify the State of the specific areas in
14 which the plan is deficient and allow the State
15 to complete the plan or correct the deficiencies
16 and resubmit the plan under paragraph (1).

17 (7) DEADLINE.—Not later than 60 days after
18 the date of a notice under paragraph (6)(B), a State
19 shall complete the plan or correct the deficiencies
20 and resubmit the plan.

21 (8) FAILURE TO COMPLETE OR CORRECT
22 PLAN.—If a State fails to meet the deadline under
23 paragraph (7), the Secretary shall post on the Web
24 site under paragraph (4) a notice that the State has

1 an incomplete or deficient highway-rail grade cross-
2 ing action plan.

3 (c) RAILWAY-HIGHWAY CROSSINGS FUNDS.—The
4 Secretary may use funds made available to carry out sec-
5 tion 130 of title 23, United States Code, to provide States
6 with funds to develop a State highway-rail grade crossing
7 action plan under subsection (b)(1)(A) of this section or
8 to update a State action plan under subsection (b)(1)(B)
9 of this section.

10 (d) DEFINITIONS.—In this section:

11 (1) HIGHWAY-RAIL GRADE CROSSING.—The
12 term “highway-rail grade crossing” means a location
13 within a State, other than a location where 1 or
14 more railroad tracks cross 1 or more railroad tracks
15 at grade where—

16 (A) a public highway, road, or street, or a
17 private roadway, including associated sidewalks
18 and pathways, crosses 1 or more railroad tracks
19 either at grade or grade-separated; or

20 (B) a pathway explicitly authorized by a
21 public authority or a railroad carrier that is
22 dedicated for the use of non-vehicular traffic,
23 including pedestrians, bicyclists, and others,
24 that is not associated with a public highway,
25 road, or street, or a private roadway, crosses 1

1 or more railroad tracks either at grade or
2 grade-separated.

3 (2) STATE.—The term “State” means a State
4 of the United States or the District of Columbia.

5 **SEC. 402. CONFIDENTIAL CLOSE CALL REPORTING SYSTEM.**

6 (a) IN GENERAL.—Not later than 3 years after the
7 date of enactment of this Act, the Secretary shall promul-
8 gate a rule to encourage and facilitate the voluntary par-
9 ticipation of railroad carriers, railroad carrier contractors,
10 and employees of railroad carriers or railroad carrier con-
11 tractors (including any non-profit labor organizations rep-
12 resenting a class or craft of directly affected employees
13 of railroads carriers or railroad carrier contractors) in a
14 confidential close call reporting system.

15 (b) PROGRAM ELEMENTS.—

16 (1) IN GENERAL.—The Secretary shall use any
17 information and experience gathered through re-
18 search and pilot programs on confidential close call
19 reporting systems in developing a rule for the vol-
20 untary adoption of confidential close call reporting
21 system programs under this section.

22 (2) RULEMAKING.—

23 (A) IN GENERAL.—Each confidential close
24 call reporting system program shall be designed
25 to improve railroad safety by facilitating greater

1 collection and analysis of reports that describe
2 unsafe conditions and events in the railroad in-
3 dustry, as reported voluntarily and confiden-
4 tially by employees.

5 (B) REQUIREMENTS.—The rule shall
6 specify—

7 (i) the use of independent third par-
8 ties for the collection of close call reports,
9 de-identification of data, and distribution
10 of close call data;

11 (ii) the criteria for participating vol-
12 untarily in the confidential close call re-
13 porting system;

14 (iii) the criteria for accepting con-
15 fidential close call reports;

16 (iv) the appropriate use and protec-
17 tion, including the information protections
18 described in subsection (d), of peer review
19 teams and participation of the Secretary's
20 representatives;

21 (v) the relief from specific railroad
22 safety regulatory provisions and the condi-
23 tions under which the relief will and will
24 not be granted; and

1 (vi) the appropriate use and protec-
2 tion, including the information protections
3 described in subsection (d), of confidential
4 data generated under voluntary participa-
5 tion in the confidential close call reporting
6 system.

7 (c) PROGRAM DEVELOPMENT.—

8 (1) IN GENERAL.—A railroad carrier voluntarily
9 participating in a confidential close call reporting
10 system program, pursuant to program elements con-
11 tained in the final rule promulgated under sub-
12 section (b) and in collaboration with the Secretary,
13 railroad carrier contractors (as appropriate), and
14 employees of railroad carriers or railroad carrier
15 contractors (including any non-profit labor organiza-
16 tion representing a class or craft of directly affected
17 employees of railroad carriers or railroad carrier
18 contractors), shall develop an implementing memo-
19 randum of understanding that establishes agreed-
20 upon terms for participation in the confidential close
21 call reporting system.

22 (2) SIGNATURES REQUIRED.—An implementing
23 memorandum of understanding under paragraph (1)
24 shall be signed by—

1 (A) the Secretary or the Secretary's des-
2 ignee;

3 (B) the participating railroad carrier or
4 the representative thereof;

5 (C) if appropriate, each participating rail-
6 road carrier contractor or the representative
7 thereof; and

8 (D) the participating employees and con-
9 tractors or the representative thereof (such as
10 1 or more non-profit labor organizations rep-
11 resenting a class or craft of directly affected
12 employees of the railroad carrier or railroad
13 carrier contractor).

14 (d) INFORMATION PROTECTION.—

15 (1) IN GENERAL.—For a confidential close call
16 reporting system program established through an
17 implementing memorandum of understanding de-
18 scribed in subsection (c), the rule shall include provi-
19 sions that withhold from discovery or admission into
20 evidence (in a Federal or State court proceeding for
21 damages involving personal injury, wrongful death,
22 or property damage against a railroad carrier or
23 railroad carrier contractor) any plan, document, re-
24 port, survey, schedule, list, or data compiled or col-
25 lected for the sole purpose of developing, evaluating,

1 planning, or implementing a confidential close call
2 reporting system program, including a railroad car-
3 rier's analysis of its close calls or near misses.

4 (2) RETROACTIVE APPLICATIONS.—With regard
5 to a voluntary confidential close call reporting sys-
6 tem that was in effect prior to the date of final rule
7 under subsection (a), the Secretary—

8 (A) shall allow the parties participating in
9 that system to sign a new or revised imple-
10 menting memorandum of understanding that
11 prospectively entitles the parties to the informa-
12 tion protections under paragraph (1); and

13 (B) may retroactively apply the informa-
14 tion protections under paragraph (1) to any in-
15 formation and analyses that was generated
16 under that system prior to the date of the final
17 rule.

18 (3) CONFIDENTIALITY.—For a confidential
19 close call reporting system program established
20 through an implementing memorandum of under-
21 standing described in subsection (c), the Secretary
22 shall ensure that the Department of Transportation
23 and any entity collecting close call reports, de-identi-
24 fying data, or distributing close call data provide the
25 same level of confidentiality as contained in the Con-

1 confidential Information Protection and Statistical Effi-
2 ciency Act of 2002 (44 U.S.C. 3501 note), as ad-
3 ministered by the Bureau of Transportation Statis-
4 tics.

5 (e) SAVINGS CLAUSE.—Nothing in this section
6 shall—

7 (1) require a railroad carrier to adopt a con-
8 fidential close call reporting system program;

9 (2) prohibit a railroad carrier from voluntarily
10 adopting a confidential close call reporting system
11 program outside of the rulemaking framework; and

12 (3) require the Secretary to develop a confiden-
13 tial close call reporting system program with a rail-
14 road carrier, a railroad carrier contractor, employees
15 of the railroad carrier or railroad carrier contractor,
16 or any non-profit labor organizations representing a
17 class or craft of employees of a railroad carrier or
18 a railroad carrier contractor.

19 (f) DEFINITION OF RAILROAD CARRIER.—In this
20 section, the term “railroad carrier” has the meaning given
21 the term in section 20102 of title 49, United States Code.

22 (g) ADDITIONAL INFORMATION PROTECTIONS.—Sec-
23 tion 20118 is amended—

24 (1) in subsection (a)—

1 (A) in the matter preceding paragraph

2 (1)—

3 (i) by inserting “, confidential close
4 call reporting system program,” after
5 “safety risk reduction program”; and

6 (ii) by inserting “pursuant to section
7 552(b)(3) of that title,” after “section 552
8 of title 5”;

9 (B) in paragraph (1), by inserting “, con-
10 fidential close call reporting system program,”
11 after “safety risk reduction program”; and

12 (C) in paragraph (2), by inserting “, con-
13 fidential close call reporting system program,”
14 after “safety risk reduction program”;

15 (2) in subsection (b), by inserting “, confiden-
16 tial close call reporting system program,” after
17 “safety risk reduction program”; and

18 (3) in subsection (c), by inserting “, of any in-
19 formation or analyses generated as part of a con-
20 fidential close call reporting system program,” after
21 “risk mitigation analyses”.

22 **SEC. 403. SPEED LIMIT ACTION PLANS.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date of enactment of this Act, each railroad carrier pro-
25 viding intercity rail passenger transportation or commuter

1 rail passenger transportation, in consultation with any ap-
2 plicable host railroad carrier, shall survey its entire system
3 and identify each main track location where there is a re-
4 duction of more than 20 miles per hour from the approach
5 speed to a curve or bridge and the maximum authorized
6 operating speed for passenger trains at that curve or
7 bridge.

8 (b) ACTION PLANS.—Not later than 120 days after
9 the date that the survey under subsection (a) is complete,
10 a rail passenger carrier shall submit to the Secretary an
11 action plan that—

12 (1) identifies each main track location where
13 there is a reduction of more than 20 miles per hour
14 from the approach speed to a curve or bridge and
15 the maximum authorized operating speed for pas-
16 senger trains at that curve or bridge;

17 (2) describes appropriate actions, including
18 modification to automatic train control systems, if
19 applicable, other signal systems, or other practices,
20 including increased crew communication, to enable
21 warning and enforcement of the maximum author-
22 ized speed for passenger trains at each location iden-
23 tified under paragraph (1);

1 (3) contains milestones and target dates for im-
2 plementing each appropriate action described under
3 paragraph (2); and

4 (4) ensures compliance with the maximum au-
5 thorized speed at each location identified under
6 paragraph (1).

7 (c) APPROVAL.—Not later than 90 days after the
8 date an action plan is submitted under subsection (a), the
9 Secretary shall approve, approve with conditions, or dis-
10 approve the action plan.

11 (d) ALTERNATIVE SAFETY MEASURES.—The Sec-
12 retary may exempt from the requirements of this section
13 each segment of track for which operations are governed
14 by a positive train control system certified under section
15 20157 of title 49, United States Code, or any other safety
16 technology or practice that would achieve an equivalent
17 or greater level of safety in reducing derailment risk.

18 (e) SAVINGS CLAUSE.—Nothing in this section shall
19 prohibit the Secretary from applying the requirements of
20 this section to other segments of track at high risk of over-
21 speed derailment.

22 **SEC. 404. SIGNAGE.**

23 (a) IN GENERAL.—The Secretary shall promulgate
24 such regulations as the Secretary considers necessary to
25 require each railroad carrier providing intercity rail pas-

1 senger transportation or commuter rail passenger trans-
2 portation, in consultation with any applicable host railroad
3 carrier, to install signs to warn train crews before the
4 train approaches a location that the Secretary identifies
5 as having high risk of overspeed derailment.

6 (b) **ALTERNATIVE SAFETY MEASURES.**—The Sec-
7 retary may exempt from the requirements of this section
8 each segment of track for which operations are governed
9 by a positive train control system certified under section
10 20157 of title 49, United States Code, or any other safety
11 technology or practice that would achieve an equivalent
12 or greater level of safety in reducing derailment risk.

13 **SEC. 405. ALERTERS.**

14 (a) **IN GENERAL.**—The Secretary shall promulgate a
15 rule to require a working alerter in the controlling loco-
16 motive of each passenger train in intercity rail passenger
17 transportation (as defined in section 24102 of title 49,
18 United States Code) or commuter rail passenger transpor-
19 tation (as defined in section 24102 of title 49, United
20 States Code).

21 (b) **RULEMAKING.**—

22 (1) **IN GENERAL.**—The Secretary may promul-
23 gate a rule to specify the essential functionalities of
24 a working alerter, including the manner in which the
25 alerter can be reset.

1 (2) ALTERNATE PRACTICE OR TECHNOLOGY.—
2 The Secretary may require or allow a technology or
3 practice in lieu of a working alerter if the Secretary
4 determines that the technology or practice would
5 achieve an equivalent or greater level of safety in en-
6 hancing or ensuring appropriate locomotive control.

7 **SEC. 406. SIGNAL PROTECTION.**

8 (a) IN GENERAL.—The Secretary shall promulgate
9 such regulations as the Secretary considers necessary to
10 require that on-track safety regulations, whenever prac-
11 ticable and consistent with other safety requirements and
12 operational considerations, include requiring implementa-
13 tion of redundant signal protection, such as shunting or
14 other practices and technologies that achieve an equivalent
15 or greater level of safety, for maintenance-of-way work
16 crews who depend on a train dispatcher to provide signal
17 protection.

18 (b) ALTERNATIVE SAFETY MEASURES.—The Sec-
19 retary may exempt from the requirements of this section
20 each segment of track for which operations are governed
21 by a positive train control system certified under section
22 20157 of title 49, United States Code, or any other safety
23 technology or practice that would achieve an equivalent
24 or greater level of safety in providing additional signal pro-
25 tection.

1 **SEC. 407. TECHNOLOGY IMPLEMENTATION PLANS.**

2 Section 20156(e) is amended—

3 (1) in paragraph (4)—

4 (A) in subparagraph (A), by striking
5 “and” at the end; and

6 (B) in subparagraph (B), by striking the
7 period at the end and inserting “; and”; and

8 (2) by adding at the end the following:

9 “(C) each railroad carrier required to sub-
10 mit such a plan, until the implementation of a
11 positive train control system by the railroad
12 carrier, shall analyze and, as appropriate,
13 prioritize technologies and practices to mitigate
14 the risk of overspeed derailments.”.

15 **SEC. 408. COMMUTER RAIL TRACK INSPECTIONS.**

16 (a) **IN GENERAL.**—The Secretary shall evaluate track
17 inspection regulations to determine if a railroad carrier
18 providing commuter rail passenger transportation on high
19 density commuter railroad lines should be required to in-
20 spect the lines in the same manner as currently required
21 for other commuter railroad lines.

22 (b) **RULEMAKING.**—Considering safety, including
23 railroad carrier employee and contractor safety, and sys-
24 tem capacity, the Secretary may promulgate a rule for
25 high density commuter railroad lines. If, after the evalua-
26 tion under subsection (a), the Secretary determines that

1 it is necessary to promulgate a rule, the Secretary shall
2 specifically consider the following regulatory requirements
3 for high density commuter railroad lines:

4 (1) At least once every 2 weeks—

5 (A) traverse each main line by vehicle; or

6 (B) inspect each main line on foot.

7 (2) At least once each month, traverse and in-
8 spect each siding by vehicle or by foot.

9 (c) REPORT.—If, after the evaluation under sub-
10 section (a), the Secretary determines it is not necessary
11 to revise the regulations under this section, the Secretary,
12 not later than 2 years after the date of enactment of this
13 Act, shall transmit a report to the Committee on Com-
14 merce, Science, and Transportation of the Senate and the
15 Committee on Transportation and Infrastructure of the
16 House of Representatives explaining the reasons for not
17 revising the regulations.

18 (d) CONSTRUCTION.—Nothing in this section may be
19 construed to limit the authority of the Secretary to pro-
20 mulgate regulations or issue orders under any other law.

21 **SEC. 409. EMERGENCY RESPONSE.**

22 (a) IN GENERAL.—The Secretary, in consultation
23 with railroad carriers, shall conduct a study to determine
24 whether limitations or weaknesses exist in the emergency

1 response information carried by train crews transporting
2 hazardous materials.

3 (b) CONTENTS.—In conducting the study under sub-
4 section (a), the Secretary shall evaluate the differences be-
5 tween the emergency response information carried by train
6 crews transporting hazardous materials and the emer-
7 gency response guidance provided in the Emergency Re-
8 sponse Guidebook issued by the Department of Transpor-
9 tation.

10 (c) REPORT.—Not later than 1 year after the date
11 of enactment of this Act, the Secretary shall transmit to
12 the Committee on Commerce, Science, and Transportation
13 of the Senate and the Committee on Transportation and
14 Infrastructure of the House of Representatives a report
15 of the findings of the study under subsection (a) and any
16 recommendations for legislative action.

17 **SEC. 410. PRIVATE HIGHWAY-RAIL GRADE CROSSINGS.**

18 (a) IN GENERAL.—The Secretary, in consultation
19 with railroad carriers, shall conduct a study—

20 (1) to determine whether limitations or weak-
21 nesses exist regarding the availability and usefulness
22 for safety purposes of data on private highway-rail
23 grade crossings; and

24 (2) to evaluate existing engineering practices on
25 private highway-rail grade crossings.

1 (b) CONTENTS.—In conducting the study under sub-
2 section (a), the Secretary shall make recommendations as
3 necessary to improve—

4 (1) the utility of the data on private highway-
5 rail grade crossings; and

6 (2) the implementation of private highway-rail
7 crossing safety measures, including signage and
8 warning systems.

9 (c) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Secretary shall transmit to
11 the Committee on Commerce, Science, and Transportation
12 of the Senate and the Committee on Transportation and
13 Infrastructure of the House of Representatives a report
14 of the findings of the study and any recommendations for
15 further action.

16 **SEC. 411. REPAIR AND REPLACEMENT OF DAMAGED TRACK**
17 **INSPECTION EQUIPMENT.**

18 (a) IN GENERAL.—Subchapter I of chapter 201 is
19 amended by inserting after section 20120 the following:

20 **“§ 20121. Repair and replacement of damaged track**
21 **inspection equipment**

22 “The Secretary of Transportation may receive and
23 expend cash, or receive and utilize spare parts and similar
24 items, from non-United States Government sources to re-
25 pair damages to or replace United States Government

1 owned automated track inspection cars and equipment as
 2 a result of third-party liability for such damages, and any
 3 amounts collected under this section shall be credited di-
 4 rectly to the Railroad Safety and Operations account of
 5 the Federal Railroad Administration, and shall remain
 6 available until expended for the repair, operation, and
 7 maintenance of automated track inspection cars and
 8 equipment in connection with the automated track inspec-
 9 tion program.”.

10 (b) CONFORMING AMENDMENT.—The table of con-
 11 tents for subchapter I of chapter 201 is amended by add-
 12 ing after section 21020 the following:

“20121. Repair and replacement of damaged track inspection equipment.”.

13 **SEC. 412. RAIL POLICE OFFICERS.**

14 (a) IN GENERAL.—Section 28101 is amended—

15 (1) by striking “employed by” each place it ap-
 16 pears and inserting “directly employed by or con-
 17 tracted by”;

18 (2) in subsection (b), by inserting “or agent, as
 19 applicable,” after “an employee”; and

20 (3) by adding at the end the following:

21 “(c) TRANSFERS.—

22 “(1) IN GENERAL.—If a railroad police officer
 23 directly employed by or contracted by a rail carrier
 24 and certified or commissioned as a police officer
 25 under the laws of a State transfers primary employ-

1 ment or residence from the certifying or commis-
2 sioning State to another State or jurisdiction, the
3 railroad police officer, not later than 1 year after the
4 date of transfer, shall apply to be certified or com-
5 missioned as a police officer under the laws of the
6 State of new primary employment or residence.

7 “(2) INTERIM PERIOD.—During the period be-
8 ginning on the date of transfer and ending 1 year
9 after the date of transfer, a railroad police officer di-
10 rectly employed by or contracted by a rail carrier
11 and certified or commissioned as a police officer
12 under the laws of a State may enforce the laws of
13 the new jurisdiction in which the railroad police offi-
14 cer resides, to the same extent as provided in sub-
15 section (a).

16 “(d) TRAINING.—

17 “(1) IN GENERAL.—A State shall recognize as
18 meeting that State’s basic police officer certification
19 or commissioning requirements for qualification as a
20 rail police officer under this section any individual
21 who successfully completes a program at a State-rec-
22 ognized police training academy in another State or
23 at a Federal law enforcement training center and
24 who is certified or commissioned as a police officer
25 by that other State.

1 “(2) RULE OF CONSTRUCTION.—Nothing in
2 this subsection shall be construed as superseding or
3 affecting any unique State training requirements re-
4 lated to criminal law, criminal procedure, motor ve-
5 hicle code, or State-mandated comparative or annual
6 in-service training academy or Federal law enforce-
7 ment training center.”.

8 (b) REGULATIONS.—Not later than 1 year after the
9 date of enactment of this Act, the Secretary shall revise
10 the regulations in part 207 of title 49, Code of Federal
11 Regulations (relating to railroad police officers), to permit
12 a railroad to designate an individual, who is commissioned
13 in the individual’s State of legal residence or State of pri-
14 mary employment and directly employed by or contracted
15 by a railroad to enforce State laws for the protection of
16 railroad property, personnel, passengers, and cargo, to
17 serve in the States in which the railroad owns property.

18 (c) CONFORMING AMENDMENTS.—

19 (1) AMTRAK RAIL POLICE.—Section 24305(e) is
20 amended—

21 (A) by striking “may employ” and insert-
22 ing “may directly employ or contract with”;

23 (B) by striking “employed by” and insert-
24 ing “directly employed by or contracted by”;

25 and

1 (C) by striking “employed without” and in-
2 serting “directly employed or contracted with-
3 out”.

4 (2) SECURE GUN STORAGE OR SAFETY DEVICE;
5 EXCEPTIONS.—Section 922(z)(2)(B) of title 18 is
6 amended by striking “employed by” and inserting
7 “directly employed by or contracted by”.

8 **SEC. 413. TECHNICAL AND CONFORMING AMENDMENTS.**

9 (a) ASSISTANCE TO FAMILIES OF PASSENGERS IN-
10 VOLVED IN RAIL PASSENGER ACCIDENTS.—Section 1139
11 is amended—

12 (1) in subsection (a)(1), by striking “phone
13 number” and inserting “telephone number”;

14 (2) in subsection (a)(2), by striking “post trau-
15 ma communication with families” and inserting
16 “post-trauma communication with families”; and

17 (3) in subsection (j), by striking “railroad pas-
18 senger accident” each place it appears and inserting
19 “rail passenger accident”.

20 (b) SOLID WASTE RAIL TRANSFER FACILITY LAND-
21 USE EXEMPTION.—Section 10909 is amended—

22 (1) in subsection (b), in the matter preceding
23 paragraph (1), by striking “Clean Railroad Act of
24 2008” and inserting “Clean Railroads Act of 2008”;
25 and

1 (2) in subsection (e), by striking “Upon the
2 granting of petition from the State” and inserting
3 “Upon the granting of a petition from the State”.

4 (c) RULEMAKING PROCESS.—Section 20116 is
5 amended—

6 (1) by inserting “(2)” before “the code, rule,
7 standard, requirement, or practice has been subject
8 to notice and comment under a rule or order issued
9 under this part.” and indenting accordingly;

10 (2) by inserting “(1)” before “unless” and in-
11 denting accordingly;

12 (3) in paragraph (1), as redesignated, by strik-
13 ing “order, or” and inserting “order; or”; and

14 (4) in the matter preceding paragraph (1), as
15 redesignated, by striking “unless” and inserting
16 “unless—”.

17 (d) ENFORCEMENT REPORT.—Section 20120(a) is
18 amended—

19 (1) in the matter preceding paragraph (1), by
20 striking “website” and inserting “Web site”;

21 (2) in paragraph (1), by striking “accident and
22 incidence reporting” and inserting “accident and in-
23 cident reporting”;

24 (3) in paragraph (2)(G), by inserting “and” at
25 the end; and

1 (4) in paragraph (5)(B), by striking “Adminis-
2 trative Hearing Officer or Administrative Law
3 Judge” and inserting “administrative hearing officer
4 or administrative law judge”.

5 (e) RAILROAD SAFETY RISK REDUCTION PRO-
6 GRAM.—Section 20156 is amended—

7 (1) in subsection (c), by inserting a comma
8 after “In developing its railroad safety risk reduc-
9 tion program”; and

10 (2) in subsection (g)(1)—

11 (A) by inserting a comma after “good
12 faith”; and

13 (B) by striking “non-profit” and inserting
14 “nonprofit”.

15 (f) ROADWAY USER SIGHT DISTANCE AT HIGHWAY-
16 RAIL GRADE CROSSINGS.—Section 20159 is amended by
17 striking “the Secretary” and inserting “the Secretary of
18 Transportation”.

19 (g) NATIONAL CROSSING INVENTORY.—Section
20 20160 is amended—

21 (1) in subsection (a)(1), by striking “concerning
22 each previously unreported crossing through which it
23 operates or with respect to the trackage over which
24 it operates” and inserting “concerning each pre-
25 viously unreported crossing through which it oper-

1 ates with respect to the trackage over which it oper-
2 ates”; and

3 (2) in subsection (b)(1)(A), by striking “con-
4 cerning each crossing through which it operates or
5 with respect to the trackage over which it operates”
6 and inserting “concerning each crossing through
7 which it operates with respect to the trackage over
8 which it operates”.

9 (h) MINIMUM TRAINING STANDARDS AND PLANS.—
10 Section 20162(a)(3) is amended by striking “railroad
11 compliance with Federal standards” and inserting “rail-
12 road carrier compliance with Federal standards”.

13 (i) DEVELOPMENT AND USE OF RAIL SAFETY TECH-
14 NOLOGY.—Section 20164(a) is amended by striking “after
15 enactment of the Railroad Safety Enhancement Act of
16 2008” and inserting “after the date of enactment of the
17 Rail Safety Improvement Act of 2008”.

18 (j) RAIL SAFETY IMPROVEMENT ACT OF 2008.—

19 (1) TABLE OF CONTENTS.—Section 1(b) of di-
20 vision A of the Rail Safety Improvement Act of 2008
21 (Public Law 110–432; 122 Stat. 4848) is amend-
22 ed—

23 (A) in the item relating to section 307, by
24 striking “website” and inserting “Web site”;

1 (B) in the item relating to title VI, by
2 striking “solid waste facilities” and inserting
3 “solid waste rail transfer facilities”; and

4 (C) in the item relating to section 602, by
5 striking “solid waste transfer facilities” and in-
6 serting “solid waste rail transfer facilities”.

7 (2) DEFINITIONS.—Section 2(a)(1) of division
8 A of the Rail Safety Improvement Act of 2008 (Pub-
9 lic Law 110–432; 122 Stat. 4849) is amended in the
10 matter preceding subparagraph (A), by inserting a
11 comma after “at grade”.

12 (3) RAILROAD SAFETY STRATEGY.—Section
13 102(a)(6) of title I of division A of the Rail Safety
14 Improvement Act of 2008 (49 U.S.C. 20101 note) is
15 amended by striking “Improving the safety of rail-
16 road bridges, tunnels, and related infrastructure to
17 prevent accidents, incidents, injuries, and fatalities
18 caused by catastrophic failures and other bridge and
19 tunnel failures.” and inserting “Improving the safety
20 of railroad bridges, tunnels, and related infrastruc-
21 ture to prevent accidents, incidents, injuries, and fa-
22 talities caused by catastrophic and other failures of
23 such infrastructure.”.

24 (4) OPERATION LIFESAVER.—Section 206(a) of
25 title II of division A of the Rail Safety Improvement

1 Act of 2008 (49 U.S.C. 22501 note) is amended by
2 striking “Public Service Announcements” and in-
3 serting “public service announcements”.

4 (5) UPDATE OF FEDERAL RAILROAD ADMINIS-
5 TRATION’S WEB SITE.—Section 307 of title III of di-
6 vision A of the Rail Safety Improvement Act of 2008
7 (49 U.S.C. 103 note) is amended—

8 (A) in the heading by striking “**FEDERAL**
9 **RAILROAD ADMINISTRATION’S WEBSITE**”
10 and inserting “Federal Railroad Administration
11 Web site”;

12 (B) by striking “website” each place it ap-
13 pears and inserting “Web site”; and

14 (C) by striking “website’s” and inserting
15 “Web site’s”.

16 (6) ALCOHOL AND CONTROLLED SUBSTANCE
17 TESTING FOR MAINTENANCE-OF-WAY EMPLOYEES.—
18 Section 412 of title IV of division A of the Rail
19 Safety Improvement Act of 2008 (49 U.S.C. 20140
20 note) is amended by striking “Secretary of Trans-
21 portation” and inserting “Secretary”.

22 (7) TUNNEL INFORMATION.—Section 414 of
23 title IV of division A of the Rail Safety Improvement
24 Act of 2008 (49 U.S.C. 20103 note) is amended—

1 (A) by striking “parts 171.8, 173.115”
2 and inserting “sections 171.8, 173.115”; and

3 (B) by striking “part 1520.5” and insert-
4 ing “section 1520.5”.

5 (8) SAFETY INSPECTIONS IN MEXICO.—Section
6 416 of title IV of division A of the Rail Safety Im-
7 provement Act of 2008 (49 U.S.C. 20107 note) is
8 amended—

9 (A) in the matter preceding paragraph (1),
10 by striking “Secretary of Transportation” and
11 inserting “Secretary”; and

12 (B) in paragraph (4), by striking “sub-
13 section” and inserting “section”.

14 (9) HEADING OF TITLE VI.—The heading of
15 title VI of division A of the Rail Safety Improvement
16 Act of 2008 (122 Stat. 4900) is amended by strik-
17 ing “**SOLID WASTE FACILITIES**” and insert-
18 ing “**SOLID WASTE RAIL TRANSFER FA-**
19 **CILITIES**”.

20 (10) HEADING OF SECTION 602.—Section 602
21 of title VI of division A of the Rail Safety Improve-
22 ment Act of 2008 (122 Stat. 4900) is amended by
23 striking “**SOLID WASTE TRANSFER FACILITIES**”
24 and inserting “**SOLID WASTE RAIL TRANSFER**
25 **FACILITIES**”.

1 **Subtitle B—Consolidated Rail In-**
2 **frastructure and Safety Im-**
3 **provements**

4 **SEC. 421. CONSOLIDATED RAIL INFRASTRUCTURE AND**
5 **SAFETY IMPROVEMENTS.**

6 (a) IN GENERAL.—Chapter 244, as amended by sec-
7 tion 302 of this Act, is further amended by adding at the
8 end the following:

9 **“§ 24408. Consolidated rail infrastructure and safety**
10 **improvements**

11 “(a) GENERAL AUTHORITY.—The Secretary may
12 make grants under this section to an eligible recipient to
13 assist in financing the cost of improving passenger and
14 freight rail transportation systems in terms of safety, effi-
15 ciency, or reliability.

16 “(b) ELIGIBLE RECIPIENTS.—The following entities
17 are eligible to receive a grant under this section:

18 “(1) A State.

19 “(2) A group of States.

20 “(3) An Interstate Compact.

21 “(4) A public agency or publicly chartered au-
22 thority established by 1 or more States and having
23 responsibility for providing intercity rail passenger,
24 commuter rail passenger, or freight rail transpor-
25 tation service.

1 “(5) A political subdivision of a State.

2 “(6) Amtrak or another rail passenger carrier
3 that provides intercity rail passenger transportation
4 (as defined in section 24102) or commuter rail pas-
5 senger transportation (as defined in section 24102).

6 “(7) A Class II railroad or Class III railroad
7 (as those terms are defined in section 20102).

8 “(8) Any rail carrier or rail equipment manu-
9 facturer in partnership with at least 1 of the entities
10 described in paragraphs (1) through (5).

11 “(9) Any entity established to procure, manage,
12 or maintain passenger rail equipment under section
13 305 of the Passenger Rail Investment and Improve-
14 ment Act of 2008 (49 U.S.C. 24101 note).

15 “(10) An organization that is actively involved
16 in the development of operational and safety-related
17 standards for rail equipment and operations or the
18 implementation of safety-related programs.

19 “(11) The Transportation Research Board and
20 any entity with which it contracts in the develop-
21 ment of rail-related research, including cooperative
22 research programs.

23 “(12) A University transportation center ac-
24 tively engaged in rail-related research.

1 “(13) A non-profit labor organization rep-
2 resenting a class or craft of employees of railroad
3 carriers or railroad carrier contractors.

4 “(c) ELIGIBLE PROJECTS.—The following projects
5 are eligible to receive grants under this section:

6 “(1) Deployment of railroad safety technology,
7 including positive train control and rail integrity in-
8 spection systems.

9 “(2) A capital project as defined in section
10 24401, except that a project shall not be required to
11 be in a State rail plan developed under chapter 227.

12 “(3) A capital project identified by the Sec-
13 retary as being necessary to address congestion chal-
14 lenges affecting rail service.

15 “(4) A highway-rail grade crossing improve-
16 ment, including grade separations, private highway-
17 rail grade crossing improvements, and safety engi-
18 neering improvements to reduce risk in quiet zones
19 or potential quiet zones.

20 “(5) A rail line relocation project.

21 “(6) A capital project to improve short-line or
22 regional railroad infrastructure.

23 “(7) Paying all or a portion of the credit risk
24 premium, as determined under section 502(f) of the
25 Railroad Revitalization and Regulatory Reform Act

1 of 1976 (45 U.S.C. 822(f)), and loan charges de-
2 scribed in section 503(l) of that Act (45 U.S.C.
3 823(l)) for a project eligible for Federal credit as-
4 sistance under that Act (45 U.S.C. 801 et seq.).

5 “(8) Development of public education, aware-
6 ness, and targeted law enforcement activities to re-
7 duce violations of traffic laws at highway-rail grade
8 crossings and to help prevent and reduce injuries
9 and fatalities along railroad rights-of-way.

10 “(9) The preparation of regional rail and cor-
11 ridor service development plans and corresponding
12 environmental analyses.

13 “(10) Any project that the Secretary considers
14 necessary to enhance multimodal connections or fa-
15 cilitate service integration between rail service and
16 other modes, including between intercity rail pas-
17 senger transportation and intercity bus service.

18 “(11) The development of rail-related capital,
19 operations, and safety standards.

20 “(12) The implementation and operation of a
21 safety program or institute designed to improve rail
22 safety culture and rail safety performance.

23 “(13) Any research that the Secretary considers
24 necessary to advance any particular aspect of rail-re-
25 lated capital, operations, or safety improvements.

1 “(14) Workforce development activities, coordi-
2 nated to the extent practicable with the existing
3 local training programs supported by the Depart-
4 ment of Transportation, Department of Labor, and
5 Department of Education.

6 “(d) APPLICATION PROCESS.—The Secretary shall
7 prescribe the form and manner of filing an application
8 under this section.

9 “(e) PROJECT SELECTION CRITERIA.—

10 “(1) IN GENERAL.—In selecting a recipient of
11 a grant for an eligible project, the Secretary shall—

12 “(A) give preference to a proposed project
13 for which the proposed Federal share of total
14 project costs does not exceed 50 percent; and

15 “(B) after factoring in preference to
16 projects under subparagraph (A), select projects
17 that will maximize the net benefits of the funds
18 appropriated for use under this section, consid-
19 ering the cost-benefit analysis of the proposed
20 project, including anticipated private and public
21 benefits relative to the costs of the proposed
22 project and factoring in the other consider-
23 ations described in paragraph (2).

24 “(2) OTHER CONSIDERATIONS.—The Secretary
25 shall also consider the following:

1 “(A) The degree to which the proposed
2 project’s business plan considers potential pri-
3 vate sector participation in the financing, con-
4 struction, or operation of the project;

5 “(B) The recipient’s past performance in
6 developing and delivering similar projects, and
7 previous financial contributions;

8 “(C) Whether the recipient has or will have
9 the legal, financial, and technical capacity to
10 carry out the proposed project, satisfactory con-
11 tinuing control over the use of the equipment or
12 facilities, and the capability and willingness to
13 maintain the equipment or facilities;

14 “(D) If applicable, the consistency of the
15 proposed project with planning guidance and
16 documents set forth by the Secretary or re-
17 quired by law or State rail plans developed
18 under chapter 227;

19 “(E) If applicable, any technical evaluation
20 ratings that proposed project received under
21 previous competitive grant programs adminis-
22 tered by the Secretary; and

23 “(F) Such other factors as the Secretary
24 considers relevant to the successful delivery of
25 the project.

1 “(3) BENEFITS.—The benefits described in
2 paragraph (1)(B) may include the effects on system
3 and service performance, including measures such as
4 improved safety, competitiveness, reliability, trip or
5 transit time, resilience, efficiencies from improved
6 integration with other modes, and ability to meet ex-
7 isting or anticipated demand.

8 “(f) PERFORMANCE MEASURES.—The Secretary
9 shall establish performance measures for each grant re-
10 cipient to assess progress in achieving strategic goals and
11 objectives. The Secretary may require a grant recipient to
12 periodically report information related to such perform-
13 ance measures.

14 “(g) RURAL AREAS.—

15 “(1) IN GENERAL.—Of the amounts appro-
16 priated under this section, at least 25 percent shall
17 be available for projects in rural areas. The Sec-
18 retary shall consider a project to be in a rural area
19 if all or the majority of the project (determined by
20 the geographic location or locations where the major-
21 ity of the project funds will be spent) is located in
22 a rural area.

23 “(2) DEFINITION OF RURAL AREA.—In this
24 subsection, the term ‘rural area’ means any area not

1 in an urbanized area, as defined by the Census Bu-
2 reau.

3 “(h) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

4 “(1) TOTAL PROJECT COSTS.—The Secretary
5 shall estimate the total costs of a project under this
6 subsection based on the best available information,
7 including engineering studies, studies of economic
8 feasibility, environmental analyses, and information
9 on the expected use of equipment or facilities.

10 “(2) FEDERAL SHARE.—The Federal share of
11 total project costs under this subsection shall not ex-
12 ceed 80 percent.

13 “(3) TREATMENT OF PASSENGER RAIL REV-
14 ENUE.—If Amtrak or another rail passenger carrier
15 is an applicant under this section, Amtrak or the
16 other rail passenger carrier, as applicable, may use
17 ticket and other revenues generated from its oper-
18 ations and other sources to satisfy the non-Federal
19 share requirements.

20 “(i) APPLICABILITY.—Except as specifically provided
21 in this section, the use of any amounts appropriated for
22 grants under this section shall be subject to the require-
23 ments of this chapter.

1 “(j) AVAILABILITY.—Amounts appropriated for car-
 2 rying out this section shall remain available until ex-
 3 pended.”.

4 (b) CONFORMING AMENDMENT.—The table of con-
 5 tents of chapter 244, as amended by section 302 of this
 6 Act, is amended by adding after the item relating to sec-
 7 tion 24407 the following:

“24408. Consolidated rail infrastructure and safety improvements.”.

8 **TITLE V—PROJECT DELIVERY**

9 **SEC. 501. SHORT TITLE.**

10 This title may be cited as the “Track, Railroad, and
 11 Infrastructure Network Act”.

12 **SEC. 502. PRESERVATION OF PUBLIC LANDS.**

13 (a) HIGHWAYS.—Section 138 of title 23, United
 14 States Code, is amended—

15 (1) in subsection (b)(2)(A)(i), by inserting “,
 16 taking into consideration any avoidance, minimiza-
 17 tion, and mitigation or enhancement measures incor-
 18 porated into the program or project” after “historic
 19 site”; and

20 (2) by adding at the end the following:

21 “(c) RAIL AND TRANSIT.—Improvements to, or the
 22 maintenance, rehabilitation, or operation of, railroad or
 23 rail transit lines or elements of such lines, with the excep-
 24 tion of stations, that are in use or were historically used
 25 for the transportation of goods or passengers, shall not

1 be considered a use of an historic site under subsection
 2 (a), regardless of whether the railroad or rail transit line
 3 or element of such line is listed on, or eligible for listing
 4 on, the National Register of Historic Places.”.

5 (b) TRANSPORTATION PROJECTS.—Section 303 is
 6 amended—

7 (1) in subsection (c), by striking “subsection
 8 (d)” and inserting “subsections (d) and (e)”;

9 (2) in subsection (d)(2)(A)(i), by inserting “,
 10 taking into consideration any avoidance, minimiza-
 11 tion, and mitigation or enhancement measures incor-
 12 porated into the program or project” after “historic
 13 site”; and

14 (3) by adding at the end the following:

15 “(e) RAIL AND TRANSIT.—Improvements to, or the
 16 maintenance, rehabilitation, or operation of, railroad or
 17 rail transit lines or elements of such lines, with the excep-
 18 tion of stations, that are in use or were historically used
 19 for the transportation of goods or passengers, shall not
 20 be considered a use of an historic site under subsection
 21 (c), regardless of whether the railroad or rail transit line
 22 or element of such line is listed on, or eligible for listing
 23 on, the National Register of Historic Places.”.

24 **SEC. 503. EFFICIENT ENVIRONMENTAL REVIEWS.**

25 (a) IN GENERAL.—Section 304 is amended—

1 (1) in the heading, by striking “**for**
2 **multimodal projects**” and inserting “**and in-**
3 **creasing the efficiency of environmental**
4 **reviews**”; and

5 (2) by adding at the end the following:

6 “(e) EFFICIENT ENVIRONMENTAL REVIEWS.—

7 “(1) IN GENERAL.—The Secretary of Transpor-
8 tation shall apply the project development proce-
9 dures, to the greatest extent feasible, described in
10 section 139 of title 23, United States Code, to any
11 rail project that requires the approval of the Sec-
12 retary of Transportation under the National Envi-
13 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
14 seq.).

15 “(2) REGULATIONS AND PROCEDURES.—The
16 Secretary of Transportation shall incorporate such
17 project development procedures into the agency reg-
18 ulations and procedures pertaining to rail projects.

19 “(f) APPLICABILITY OF NEPA DECISIONS.—

20 “(1) IN GENERAL.—A Department of Trans-
21 portation operating administration may apply a cat-
22 egorical exclusion designated by another Department
23 of Transportation operating administration under
24 the National Environmental Policy Act of 1969 (42
25 U.S.C. 4321 et seq.).

1 “(2) FINDINGS.—A Department of Transpor-
2 tation operating administration may adopt, in whole
3 or in part, another Department of Transportation
4 operating administration’s Record of Decision, Find-
5 ing of No Significant Impact, and any associated
6 evaluations, determinations, or findings dem-
7 onstrating compliance with any law related to envi-
8 ronmental review or historic preservation.”.

9 **SEC. 504. ADVANCE ACQUISITION.**

10 (a) IN GENERAL.—Chapter 241 is amended by in-
11 serting after section 24105 the following—

12 **“§ 24106. Advance acquisition**

13 “(a) RAIL CORRIDOR PRESERVATION.—The Sec-
14 retary may assist a recipient of funding in acquiring right-
15 of-way and adjacent real property interests before or dur-
16 ing the completion of the environmental reviews for any
17 project receiving funding under subtitle V of title 49,
18 United States Code, that may use such property interests
19 if the acquisition is otherwise permitted under Federal
20 law, and the recipient requesting Federal funding for the
21 acquisition certifies, with the concurrence of the Secretary,
22 that—

23 “(1) the recipient has authority to acquire the
24 right-of-way or adjacent real property interest; and

1 “(2) the acquisition of the right-of-way or adja-
2 cent real property interest—

3 “(A) is for a transportation or transpor-
4 tation-related purpose;

5 “(B) will not cause significant adverse en-
6 vironmental impact;

7 “(C) will not limit the choice of reasonable
8 alternatives for the proposed project or other-
9 wise influence the decision of the Secretary on
10 any approval required for the proposed project;

11 “(D) does not prevent the lead agency for
12 the review process from making an impartial
13 decision as to whether to accept an alternative
14 that is being considered;

15 “(E) complies with other applicable Fed-
16 eral law, including regulations;

17 “(F) will be acquired through negotiation
18 and without the threat of condemnation; and

19 “(G) will not result in the elimination or
20 reduction of benefits or assistance to a dis-
21 placed person under the Uniform Relocation
22 Assistance and Real Property Acquisition Poli-
23 cies Act of 1970 (42 U.S.C. 4601 et seq.) and
24 title VI of the Civil Rights Act of 1964 (42
25 U.S.C. 2000d et seq.).

1 “(b) ENVIRONMENTAL REVIEWS.—

2 “(1) COMPLETION OF NEPA REVIEW.—Before
3 authorizing any Federal funding for the acquisition
4 of a real property interest that is the subject of a
5 grant or other funding under this subtitle, the Sec-
6 retary shall complete, if required, the review process
7 under the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.) with respect to the
9 acquisition.

10 “(2) COMPLETION OF SECTION 106.—An acqui-
11 sition of a real property interest involving an historic
12 site shall not occur unless the section 106 process,
13 if required, under the National Historic Preservation
14 Act (54 U.S.C. 306108) is complete.

15 “(3) TIMING OF ACQUISITIONS.—A real prop-
16 erty interest acquired under subsection (a) may not
17 be developed in anticipation of the proposed project
18 until all required environmental reviews for the
19 project have been completed.”.

20 (b) CONFORMING AMENDMENT.—The table of con-
21 tents of chapter 241 is amended by inserting after the
22 item relating to section 24105 the following:

“24106. Advance acquisition.”.

23 **SEC. 505. RAILROAD RIGHTS-OF-WAY.**

24 Section 306108 of title 54, United States Code, is
25 amended—

1 (1) by inserting “(b) OPPORTUNITY TO COM-
2 MENT.—” before “The head of the Federal agency
3 shall afford” and indenting accordingly;

4 (2) in the matter before subsection (b), by in-
5 serting “(a) IN GENERAL.—” before “The head of
6 any Federal agency having direct” and indenting ac-
7 cordingly; and

8 (3) by adding at the end the following:

9 “(c) EXEMPTION FOR RAILROAD RIGHTS-OF-WAY.—

10 “(1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of the Track, Railroad, and
12 Infrastructure Network Act, the Secretary of Trans-
13 portation shall submit a proposed exemption of rail-
14 road rights-of-way from the review under this chap-
15 ter to the Council for its consideration, consistent
16 with the exemption for interstate highways approved
17 on March 10, 2005 (70 Fed. Reg. 11,928).

18 “(2) FINAL EXEMPTION.—Not later than 180
19 days after the date that the Secretary submits the
20 proposed exemption under paragraph (1) to the
21 Council, the Council shall issue a final exemption of
22 railroad rights-of-way from review under this chap-
23 ter, consistent with the exemption for interstate
24 highways approved on March 10, 2005 (70 Fed.
25 Reg. 11,928).”.

1 **SEC. 506. IMPROVING STATE AND FEDERAL AGENCY EN-**
2 **GAGEMENT IN ENVIRONMENTAL REVIEWS.**

3 (a) IN GENERAL.—Chapter 3 is amended by insert-
4 ing after section 306 the following:

5 **“§ 307. Improving State and Federal agency engage-**
6 **ment in environmental reviews**

7 “(a) IN GENERAL.—An entity receiving financial as-
8 sistance from the Secretary of Transportation for 1 or
9 more projects or for a program of projects, may request
10 that the Secretary allow the entity to provide funds to any
11 Federal agency, including the Department of Transpor-
12 tation, State agency, or Indian tribe (as defined in section
13 102 of the Federally Recognized Indian Tribe List Act
14 of 1994 (25 U.S.C. 479a)) participating in the environ-
15 mental planning and review process for the project,
16 projects, or program. The funds may be provided only to
17 support activities that directly and meaningfully con-
18 tribute to expediting and improving permitting and review
19 processes, including planning, approval, and consultation
20 processes for the project, projects, or program.

21 “(b) ACTIVITIES ELIGIBLE FOR FUNDING.—Activi-
22 ties for which funds may be provided under subsection (a)
23 include transportation planning activities that precede the
24 initiation of the environmental review process, activities
25 directly related to the environmental review process, dedi-
26 cated staffing, training of agency personnel, information

1 gathering and mapping, and development of programmatic
2 agreements.

3 “(c) AMOUNTS.—Requests under subsection (a) may
4 be approved only for the additional amounts that the Sec-
5 retary determines are necessary for the Federal agencies,
6 State agencies, or Indian tribes participating in the envi-
7 ronmental planning and review process to timely conduct
8 the reviews in an expedited manner.

9 “(d) AGREEMENTS.—Prior to providing funds ap-
10 proved by the Secretary for dedicated staffing at an af-
11 fected Federal agency under subsections (a) and (b), the
12 affected Federal agency, State agency or Indian tribe, as
13 appropriate, and the requesting entity shall enter into an
14 agreement that establishes a process to identify the
15 projects or priorities to be addressed by the use of the
16 funds.

17 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to be inconsistent with or to inter-
19 fere with section 139(j) of title 23.”.

20 (b) CONFORMING AMENDMENT.—The table of con-
21 tents of chapter 3 is amended by inserting after the item
22 relating to section 306 the following:

“307. Improving State and Federal agency engagement in environmental re-
views.”.

1 **SEC. 507. SAVINGS CLAUSE.**

2 Nothing in this title, or any amendment made by this
3 title, shall be construed as superceding, amending, or
4 modifying the National Environmental Policy Act of 1969
5 (42 U.S.C. 4321 et seq.) or affect the responsibility of any
6 Federal officer to comply with or enforce any such statute.

7 **SEC. 508. TRANSITION.**

8 Nothing in this title, or any amendment made by this
9 title, shall affect any existing environmental review pro-
10 cess, program, agreement, or funding arrangement ap-
11 proved by the Secretary under title 49, United States
12 Code, as that title was in effect on the day preceding the
13 date of enactment of this title.

14 **TITLE VI—FINANCING**

15 **SEC. 601. SHORT TITLE; REFERENCES.**

16 (a) **SHORT TITLE.**—This title may be cited as the
17 “Railroad Infrastructure Financing Improvement Act”.

18 (b) **REFERENCES TO THE RAILROAD REVITALIZA-**
19 **TION AND REGULATORY REFORM ACT OF 1976.**—Except
20 as otherwise expressly provided, wherever in this title an
21 amendment or repeal is expressed in terms of an amend-
22 ment to, or repeal of, a section or other provision, the ref-
23 erence shall be considered to be made to a section or other
24 provision of the Railroad Revitalization and Regulatory
25 Reform Act of 1976, as amended (45 U.S.C. 801 et seq.).

1 **SEC. 602. DEFINITIONS.**

2 Section 501 (45 U.S.C. 821) is amended—

3 (1) by redesignating paragraph (8) as para-
4 graph (10);

5 (2) by redesignating paragraphs (6) and (7) as
6 paragraphs (7) and (8), respectively;

7 (3) by inserting after paragraph (5) the fol-
8 lowing:

9 “(6) The term ‘investment-grade rating’ means
10 a rating of BBB minus, Baa 3, bbb minus,
11 BBB(low), or higher assigned by a rating agency.”;

12 (4) by inserting after paragraph (8), as redesi-
13 gnated, the following:

14 “(9) The term ‘master credit agreement’ means
15 an agreement to make 1 or more direct loans or loan
16 guarantees at future dates for a program of related
17 projects on terms acceptable to the Secretary.”; and

18 (5) by adding at the end the following:

19 “(11) The term ‘obligor’ means a party that—

20 “(A) is primarily liable for payment of the
21 principal of or interest on a direct loan or loan
22 guarantee under this section; and

23 “(B) may be a corporation, limited liability
24 company, partnership, joint venture, trust, or
25 governmental entity, agency, or instrumentality.

1 “(12) The term ‘project obligation’ means a
2 note, bond, debenture, or other debt obligation
3 issued by a borrower in connection with the financ-
4 ing of a project, other than a direct loan or loan
5 guarantee under this title.

6 “(13) The term ‘railroad’ has the meaning
7 given the term ‘railroad carrier’ in section 20102 of
8 title 49, United States Code.

9 “(14) The term ‘rating agency’ means a credit
10 rating agency registered with the Securities and Ex-
11 change Commission as a nationally recognized statis-
12 tical rating organization (as defined in section 3(a)
13 of the Securities Exchange Act of 1934 (15 U.S.C.
14 78c(a))).

15 “(15) The term ‘substantial completion’
16 means—

17 “(A) the opening of a project to passenger
18 or freight traffic; or

19 “(B) a comparable event, as determined by
20 the Secretary and specified in the direct loan.”.

21 **SEC. 603. ELIGIBLE APPLICANTS.**

22 Section 502(a) (45 U.S.C. 822(a)) is amended—

23 (1) in paragraph (5), by striking “one railroad;
24 and” and inserting “1 of the entities described in
25 paragraph (1), (2), (3), (4), or (6);”;

1 (2) by amending paragraph (6) to read as fol-
2 lows:

3 “(6) solely for the purpose of constructing a
4 rail connection between a plant or facility and a rail
5 carrier, limited option freight shippers that own or
6 operate a plant or other facility; and”;

7 (3) by adding at the end the following:

8 “(7) any obligor, as designated by an entity
9 otherwise eligible to receive a direct loan or loan
10 guarantee under this section, including a special
11 purpose entity receiving user fees or other payments
12 or revenues from dedicated sources for debt service
13 and maintenance of the equipment or facilities to be
14 acquired or improved; and

15 “(8) a public-private or private partnership be-
16 tween at least 1 other entity listed in any of para-
17 graphs (1) through (7) and a consortium that spe-
18 cializes in real estate development.”.

19 **SEC. 604. ELIGIBLE PURPOSES.**

20 Section 502(b)(1) (45 U.S.C. 822(b)(1)) is amend-
21 ed—

22 (1) in subparagraph (A), by inserting “, and
23 costs related to these activities, including pre-con-
24 struction costs” after “shops”;

1 (2) in subparagraph (B), by striking “subpara-
2 graph (A); or” and inserting “subparagraph (A) or
3 (C);”;

4 (3) in subparagraph (C), by striking the period
5 at the end and inserting a semicolon; and

6 (4) by adding at the end the following:

7 “(D) reimburse planning and design ex-
8 penses relating to projects described in subpara-
9 graph (A) or (C); or

10 “(E) finance economic development, in-
11 cluding commercial and residential development,
12 and related infrastructure and activities, that—

13 “(i) incorporates private investment;

14 “(ii) is physically or functionally re-
15 lated to a passenger rail station or
16 multimodal station that includes rail serv-
17 ice;

18 “(iii) has a high probability of the ap-
19 plicant commencing the contracting proc-
20 ess for construction not later than 90 days
21 after the date on which the direct loan or
22 loan guarantee is obligated for the project
23 under this title; and

24 “(iv) has a high probability of reduc-
25 ing the need for financial assistance under

1 any other Federal program for the relevant
2 passenger rail station or service by increas-
3 ing ridership, tenant lease payments, or
4 other activities that generate revenue ex-
5 ceeding costs.”.

6 **SEC. 605. PROGRAM ADMINISTRATION.**

7 (a) APPLICATION PROCESSING PROCEDURES.—Sec-
8 tion 502(i) (45 U.S.C. 822(i)) is amended to read as fol-
9 lows:

10 “(i) APPLICATION PROCESSING PROCEDURES.—

11 “(1) APPLICATION STATUS NOTICES.—Not later
12 than 30 days after the date that the Secretary re-
13 ceives an application under this section, the Sec-
14 retary shall provide the applicant written notice as
15 to whether the application is complete or incomplete.

16 “(2) INCOMPLETE APPLICATIONS.—If the Sec-
17 retary determines that an application is incomplete,
18 the Secretary shall—

19 “(A) provide the applicant with a descrip-
20 tion of all of the specific information or mate-
21 rial that is needed to complete the application;
22 and

23 “(B) allow the applicant to resubmit the
24 information and material described under sub-
25 paragraph (A) to complete the application.

1 “(3) APPLICATION APPROVALS AND DIS-
2 APPROVALS.—

3 “(A) IN GENERAL.—Not later than 60
4 days after the date the Secretary notifies an ap-
5 plicant that an application is complete under
6 paragraph (1), the Secretary shall provide the
7 applicant written notice as to whether the Sec-
8 retary has approved or disapproved the applica-
9 tion.

10 “(B) ACTIONS BY THE OFFICE OF MAN-
11 AGEMENT AND BUDGET.—In order to enable
12 compliance with the time limit under subpara-
13 graph (A), the Office of Management and
14 Budget shall take any action required with re-
15 spect to the application within that 60-day pe-
16 riod.

17 “(4) EXPEDITED PROCESSING.—The Secretary
18 shall implement procedures and measures to econo-
19 mize the time and cost involved in obtaining an ap-
20 proval or a disapproval of credit assistance under
21 this title.

22 “(5) DASHBOARD.—The Secretary shall post on
23 the Department of Transportation’s public Web site
24 a monthly report that includes for each applica-
25 tion—

1 “(A) the name of the applicant or appli-
2 cants;

3 “(B) the location of the project;

4 “(C) a brief description of the project, in-
5 cluding its purpose;

6 “(D) the requested direct loan or loan
7 guarantee amount;

8 “(E) the date on which the Secretary pro-
9 vided application status notice under paragraph
10 (1); and

11 “(F) the date that the Secretary provided
12 notice of approval or disapproval under para-
13 graph (3).”.

14 (b) ADMINISTRATION OF DIRECT LOANS AND LOAN
15 GUARANTEES.—Section 503 (45 U.S.C. 823) is amend-
16 ed—

17 (1) in subsection (a), by striking the period at
18 the end and inserting “, including a program guide
19 and standard term sheet and specific timetables.”;

20 (2) by redesignating subsections (c) through (l)
21 as subsections (d) through (m), respectively;

22 (3) by striking “(b) ASSIGNMENT OF LOAN
23 GUARANTEES.—” and inserting “(c) ASSIGNMENT
24 OF LOAN GUARANTEES.—”;

25 (4) in subsection (d), as redesignated—

1 (A) in paragraph (1), by striking “; and”
2 and inserting a semicolon;

3 (B) in paragraph (2), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(3) the modification cost has been covered
7 under section 502(f).”; and

8 (5) by amending subsection (l), as redesignated,
9 to read as follows:

10 “(l) CHARGES AND LOAN SERVICING.—

11 “(1) PURPOSES.—The Secretary may collect
12 and spend from each applicant, obligor, or loan
13 party a reasonable charge for—

14 “(A) the cost of evaluating the application,
15 amendments, modifications, and waivers, in-
16 cluding for evaluating project viability, appli-
17 cant creditworthiness, and the appraisal of the
18 value of the equipment or facilities for which
19 the direct loan or loan guarantee is sought, and
20 for making necessary determinations and find-
21 ings;

22 “(B) the cost of award management and
23 project management oversight;

24 “(C) the cost of services from expert firms,
25 including counsel, and independent financial ad-

1 visors to assist in the underwriting, auditing,
2 servicing, and exercise of rights with respect to
3 direct loans and loan guarantees; and

4 “(D) the cost of all other expenses in-
5 curred as a result of a breach of any term or
6 condition or any event of default on a direct
7 loan or loan guarantee.

8 “(2) STANDARDS.—The Secretary may charge
9 different amounts under this subsection based on the
10 different costs incurred under paragraph (1).

11 “(3) SERVICER.—

12 “(A) IN GENERAL.—The Secretary may
13 appoint a financial entity to assist the Secretary
14 in servicing a direct loan or loan guarantee
15 under this section.

16 “(B) DUTIES.—A servicer appointed under
17 subparagraph (A) shall act as the agent of the
18 Secretary in serving a direct loan or loan guar-
19 antee under this section.

20 “(C) FEES.—A servicer appointed under
21 subparagraph (A) shall receive a servicing fee
22 from the obligor or other loan party, subject to
23 approval by the Secretary.

24 “(4) USE OF OTHER FEDERAL FUNDS.—Not-
25 withstanding any other provision of law, an appli-

1 cant may use grants under chapter 244 of title 49,
 2 United States Code, to pay any charge under this
 3 subsection.

4 “(5) SAFETY AND OPERATIONS ACCOUNT.—
 5 Amounts collected under this subsection shall—

6 “(A) be credited directly to the Safety and
 7 Operations account of the Federal Railroad Ad-
 8 ministration; and

9 “(B) remain available until expended to
 10 pay for the costs described in this subsection.”.

11 **SEC. 606. LOAN TERMS AND REPAYMENT.**

12 (a) PREREQUISITES FOR ASSISTANCE.—Section
 13 502(g)(1) (45 U.S.C. 822(g)(1)) is amended by striking
 14 “35 years from the date of its execution” and inserting
 15 “the lesser of 35 years after the date of substantial com-
 16 pletion of the project or the estimated useful life of the
 17 rail equipment or facilities to be acquired, rehabilitated,
 18 improved, developed, or established”.

19 (b) REPAYMENT SCHEDULES.—Section 502(j) (45
 20 U.S.C. 822(j)) is amended—

21 (1) in paragraph (1), by striking “the sixth an-
 22 niversary date of the original loan disbursement”
 23 and inserting “5 years after the date of substantial
 24 completion”; and

25 (2) by adding at the end the following:

1 “(3) DEFERRED PAYMENTS.—

2 “(A) IN GENERAL.—If at any time after
3 the date of substantial completion the project is
4 unable to generate sufficient revenues to pay
5 the scheduled loan repayments of principal and
6 interest on the direct loan, the Secretary, sub-
7 ject to subparagraph (B), may allow, for a max-
8 imum aggregate time of 1 year over the dura-
9 tion of the direct loan, the obligor to add un-
10 paid principal and interest to the outstanding
11 balance of the direct loan.

12 “(B) INTEREST.—A payment deferred
13 under subparagraph (A) shall—

14 “(i) continue to accrue interest under
15 paragraph (2) until the loan is fully repaid;
16 and

17 “(ii) be scheduled to be amortized
18 over the remaining term of the loan.

19 “(4) PREPAYMENTS.—

20 “(A) USE OF EXCESS REVENUES.—Any
21 excess revenues that remain after satisfying
22 scheduled debt service requirements on the
23 project obligations and direct loan and all de-
24 posit requirements under the terms of any trust
25 agreement, bond resolution, or similar agree-

1 ment securing project obligations may be ap-
2 plied annually to prepay the direct loan without
3 penalty.

4 “(B) USE OF PROCEEDS OF REFI-
5 NANCING.—The direct loan may be prepaid at
6 any time without penalty from the proceeds of
7 refinancing from non-Federal funding
8 sources.”.

9 (c) SALE OF DIRECT LOANS.—Section 502 (45
10 U.S.C. 822) is amended by adding at the end the fol-
11 lowing:

12 “(k) SALE OF DIRECT LOANS.—

13 “(1) IN GENERAL.—Subject to paragraph (2)
14 and as soon as practicable after substantial comple-
15 tion of a project, the Secretary, after notifying the
16 obligor, may sell to another entity or reoffer into the
17 capital markets a direct loan for the project if the
18 Secretary determines that the sale or reoffering has
19 a high probability of being made on favorable terms.

20 “(2) CONSENT OF OBLIGOR.—In making a sale
21 or reoffering under paragraph (1), the Secretary
22 may not change the original terms and conditions of
23 the secured loan without the prior written consent of
24 the obligor”.

1 (d) NONSUBORDINATION.—Section 502 (45 U.S.C.
2 822), as amended in subsection (c), is further amended
3 by adding at the end the following:

4 “(1) NONSUBORDINATION.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2)(B), a direct loan shall not be subordinated
7 to the claims of any holder of project obligations in
8 the event of bankruptcy, insolvency, or liquidation of
9 the obligor.

10 “(2) PREEXISTING INDENTURES.—

11 “(A) IN GENERAL.—The Secretary may
12 waive the requirement under paragraph (1) for
13 a public agency borrower that is financing on-
14 going capital programs and has outstanding
15 senior bonds under a preexisting indenture if—

16 “(i) the direct loan is rated in the A
17 category or higher;

18 “(ii) the direct loan is secured and
19 payable from pledged revenues not affected
20 by project performance, such as a tax-
21 based revenue pledge or a system-backed
22 pledge of project revenues; and

23 “(iii) the program share, under this
24 title, of eligible project costs is 50 percent
25 or less.

1 “(B) LIMITATION.—The Secretary may
2 impose limitations for the waiver of the non-
3 subordination requirement under this para-
4 graph if the Secretary determines that such
5 limitations would be in the financial interest of
6 the Federal Government.”.

7 **SEC. 607. CREDIT RISK PREMIUMS.**

8 Section 502(f) (45 U.S.C. 822(f)) is amended—

9 (1) in paragraph (1), by amending the first sen-
10 tence to read as follows: “In lieu of or in combina-
11 tion with appropriations of budget authority to cover
12 the costs of direct loans and loan guarantees as re-
13 quired under section 504(b)(1) of the Federal Credit
14 Reform Act of 1990 (2 U.S.C. 661c(b)(1)), includ-
15 ing the cost of a modification thereof, the Secretary
16 may accept on behalf of an applicant for assistance
17 under this section a commitment from a non-Federal
18 source, including a State or local government or
19 agency or public benefit corporation or public au-
20 thority thereof, to fund in whole or in part credit
21 risk premiums and modification costs with respect to
22 the loan that is the subject of the application or
23 modification.”;

24 (2) in paragraph (2)—

1 (A) in subparagraph (D), by adding “and”
2 after the semicolon;

3 (B) by striking subparagraph (E); and

4 (C) by redesignating subparagraph (F) as
5 subparagraph (E);

6 (3) by striking paragraph (4);

7 (4) by redesignating paragraph (3) as para-
8 graph (4);

9 (5) by inserting after paragraph (2) the fol-
10 lowing:

11 “(3) CREDITWORTHINESS.—An applicant may
12 propose and the Secretary may accept as a basis for
13 determining the amount of the credit risk premium
14 under paragraph (2) any of the following in addition
15 to the value of any tangible asset:

16 “(A) The net present value of a future
17 stream of State or local subsidy income or other
18 dedicated revenues/revenue pledges to secure
19 the direct loan or loan guarantee.

20 “(B) Adequate coverage requirements to
21 ensure repayment, on a non-recourse basis,
22 from cash flows generated by the project or any
23 other dedicated revenue source, including—

24 “(i) tolls;

25 “(ii) user fees; or

1 “(iii) payments owing to the obligor
2 under a public-private partnership.

3 “(C) An investment-grade rating on the di-
4 rect loan or loan guarantee, as applicable, ex-
5 cept that if the total amount of the direct loan
6 or loan guarantee is greater than \$75,000,000,
7 the applicant shall have an investment-grade
8 rating from at least 2 rating agencies on the di-
9 rect loan or loan guarantee.”;

10 (6) in paragraph (4), as redesignated, by strik-
11 ing “amounts” and inserting “amounts (and in the
12 case of a modification, before the modification is ex-
13 ecuted), to the extent appropriations are not avail-
14 able to the Secretary to meet the costs of direct
15 loans and loan guarantees, including costs of modi-
16 fications thereof”; and

17 (7) by adding at the end the following:

18 “(5) USE OF OTHER FEDERAL FUNDS.—Not-
19 withstanding any other provision of law, an appli-
20 cant may use grants under chapter 244 of title 49,
21 United States Code, to pay part or all of a credit
22 risk premium or modification cost under this sub-
23 section.”.

1 **SEC. 608. MASTER CREDIT AGREEMENTS.**

2 Section 502 (45 U.S.C. 822), as amended by sub-
3 sections (c) and (d) of section 606 of this Act, is further
4 amended by adding at the end the following:

5 “(m) MASTER CREDIT AGREEMENTS.—

6 “(1) IN GENERAL.—Subject to section 502(d)
7 and paragraph (2) of this subsection, the Secretary
8 may enter into a master credit agreement that pro-
9 vides for all of the conditions for the provision of a
10 direct loan or loan guarantee, as applicable, under
11 this title and other applicable requirements to be
12 satisfied prior to the issuance of the direct loan or
13 loan guarantee.

14 “(2) CONDITIONS.—Each master credit agree-
15 ment shall—

16 “(A) establish the maximum amount and
17 general terms and conditions of each applicable
18 direct loan or loan guarantee;

19 “(B) identify 1 or more dedicated non-
20 Federal revenue sources that will secure the re-
21 payment of each applicable direct loan or loan
22 guarantee;

23 “(C) provide for the obligation of funds for
24 the direct loans or loan guarantees after all re-
25 quirements have been met for the projects sub-
26 ject to the master credit agreement; and

1 “(D) provide 1 or more dates, as deter-
2 mined by the Secretary, before which the mas-
3 ter credit agreement results in each of the di-
4 rect loans or loan guarantees or in the release
5 of the master credit agreement.”.

6 **SEC. 609. PRIORITIES AND CONDITIONS.**

7 (a) **PRIORITY PROJECTS.**—Section 502(c) (45 U.S.C.
8 822(c)) is amended—

9 (1) in paragraph (1), by inserting “, including
10 projects for the installation of a positive train con-
11 trol system (as defined in section 20157(i) of title
12 49, United States Code)” after “public safety”;

13 (2) by redesignating paragraphs (2) and (3) as
14 paragraphs (3) and (2), respectively;

15 (3) in paragraph (5), by inserting “or chapter
16 227 of title 49” after “section 135 of title 23”;

17 (4) by redesignating paragraphs (6) through
18 (8) as paragraphs (7) through (9), respectively; and

19 (5) by inserting after paragraph (5) the fol-
20 lowing:

21 “(6) improve railroad stations and passenger
22 facilities and increase transit-oriented develop-
23 ment;”.

24 (b) **CONDITIONS OF ASSISTANCE.**—Section 502(h)
25 (45 U.S.C. 822(h)) is amended—

1 (1) in paragraph (2), by inserting “, if applica-
2 ble” after “project”; and

3 (2) by adding at the end the following:

4 “(4) For a project described in subsection
5 (b)(1)(E), the Secretary shall require the applicant,
6 obligor, or other loan party, in addition to the inter-
7 est required under subsection (e), to provide the
8 sponsor of the intercity passenger rail service or its
9 designee, a fee or payment in an amount determined
10 appropriate by the Secretary to provide an equitable
11 share of project revenue to support the capital or op-
12 erating costs of the routes serving the passenger rail
13 station or multimodal station where the development
14 is located.”.

15 **SEC. 610. SAVINGS PROVISION.**

16 (a) IN GENERAL.—Except as provided in subsection
17 (b), this Act, and the amendments made by this Act, shall
18 not affect any direct loan (or direct loan obligation) or
19 an outstanding loan guarantee (or loan guarantee commit-
20 ment) that was in effect prior to the date of enactment
21 of this Act. Any such transaction entered into before the
22 date of enactment of this Act shall be administered until
23 completion under its terms as if this Act were not enacted.

24 (b) MODIFICATION COSTS.—At the discretion of the
25 Secretary, the authority to accept modification costs on

1 behalf of an applicant under section 502(f) of the Railroad
2 Revitalization and Regulatory Reform Act of 1976 (45
3 U.S.C. 822(f)), as amended by section 607 of this Act,
4 may apply with respect to any direct loan (or direct loan
5 obligation) or an outstanding loan guarantee (or loan
6 guarantee commitment) that was in effect prior to the
7 date of enactment of this Act.

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